



New England Fishery Management Council

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Groundfish Advisory Panel

Webinar

August 31, 2022

The Groundfish Advisory Panel (GAP) met on August 31, 2022 by webinar to discuss: 1) Framework Adjustment 65/Specifications and Management Measures; 2) Amendment 23 Review Metrics; 3) Atlantic Cod Management; 4) Possible Council 2023 Priorities; and 5) Other business, as necessary

MEETING ATTENDANCE: Ben Martens (Chair), Jackie Odell (Vice Chair), Bonnie Brady, Gib Brogan, Cassie Canastra, David Goethel, Maggie Raymond, and Hank Soule; Dr. Jamie Cournane, Robin Frede, and Angela Forristall (NEFMC staff); Dan Caless, Claire Fitz-Gerald, Mark Grant, Kyle Molton, Liz Sullivan, and Samantha Tolken (NMFS GARFO staff); Paul Nitschke (NEFSC); Rick Bellavance (Groundfish Committee Chair); Libby Etrie (Groundfish Committee Vice Chair); Frank Blount (Recreational Advisory Panel Chair); Melanie Griffin, Mike Pierdinock, and Dan Salerno (Groundfish Committee). In addition, approximately 5 members of the public attended.

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) Meeting overview memo from Groundfish Committee Chair and agenda; (2) Presentation, Council Staff; (3a) Framework Adjustment 65 draft alternatives outline; (3b) The Council's Risk Policy Road Map (2016), which includes the Risk Policy Statement and Implementation Plan, see pp. 4-5 and 10-12; (3ci) 2021 Fall Management Track Stock Assessments and Peer Review of GB cod and GOM cod; (3cii) 2022 TRAC Status Report for EGB cod; (3ciii) Memo from Groundfish PDT to SSC re Rebuilding Strategies for Gulf of Maine cod; (3civ) Memo from Groundfish PDT to SSC re GB cod additional relevant information; (3cv) Memo from Groundfish PDT to SSC re Cod OFLs and ABCs FY2022-FY2024; (3cvi) Risk policy matrix for GOM cod; (3cvii) Risk policy matrix for GB cod; (3di) 2022 Spring Management Track Assessment of SNE/MA winter flounder; (3dii) 2022 Spring Management Track Peer Review of SNE/MA winter flounder; (3diii) Memo from Groundfish PDT to SSC re SNE/MA winter flounder OFLs and ABCs FY2023-FY2025; (3div) Risk policy matrix for SNE/MA winter flounder; GB Yellowtail Flounder; (3ei) 2022 TRAC Status Report for GB yellowtail flounder; (3eii) Memo from Groundfish PDT to SSC re GB yellowtail flounder OFLs and ABCs FY2023-FY2024 and memo from Scallop PDT; (3eiii) Risk policy matrix for GB yellowtail flounder; (4) Council 2022 Priorities; (5a) Groundfish Advisory Panel Meeting Summary, Jun. 2, 2022; (5b) Groundfish Committee Meeting Summary, Jun. 14, 2022; (5c) Council Meeting Motions, Jun. 28-30, 2022; and (6) Correspondence

The meeting began at 8:30 am.

KEY OUTCOMES:

- The Groundfish Advisory Panel supports the development of options that would revise the current accountability measures, lb. for lb. payback by the commercial fishery, from a potential overage of the catch target of Georges Bank cod by the recreational fishery and subsequent overage of the total ACL, in light of the delay in implementation of Framework 63 measures.
- The Groundfish Advisory Panel recommends to the Groundfish Committee that the Groundfish Advisory Panel agrees with the Scientific and Statistical Committee recommendation of constant ABC of 551 mt for Gulf of Maine cod for fishing years 2022 through 2024. Further, the Groundfish Advisory Panel does not believe the stock will rebuild in ten years because of current bottom water temperatures. Spawning Stock Biomass reference points are unrealistic because they are based on a cold-water regime that no longer exists.
- The Groundfish Advisory Panel supports the Scientific and Statistical Committee's recommendation of 904 mt ABC for George Bank cod for fishing years 2023 and 2024.
- The Groundfish Advisory Panel reaffirms support for establishing a sub-ACL for all fisheries that exceed 5% catch.
- The Groundfish Advisory Panel reaffirms its June 2, 2022 motion: *That the Groundfish Advisory Panel requests the Groundfish Committee task the Groundfish Plan Development Team with a full re-evaluation of how groundfish catch is assigned by fishery in other fisheries, focusing on Southern New England/Mid-Atlantic winter flounder. That re-evaluation should look at all aspects of VTR assignments, observer data, and extrapolation methods.*
- The GAP discussed adding as a possible 2023 Council priority examining modifications to the universal sector exemptions for redfish.
- The Groundfish Advisory Panel recommends to the Groundfish Committee to recommend to the Council to examine modifications to the universal sector exemptions for redfish to be in place for fishing year 2023.

AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 65/SPECIFICATIONS AND MANAGEMENT MEASURES, DR. COURNANE (NEFMC)

Presentation – Framework Background

Council staff shared a timeline of groundfish actions by quarter for 2022. Staff shared the goals, objectives, scope, and range of alternatives of Framework 65 (FW65) and a timeline for the action.

Questions and Comments on the Presentation:

An advisor noted the next time the GAP will meet is right before the New England Fishery Management Council (Council) will take final action on the framework. They stated a lot of framework development will take place between now and then and the GAP may not have sufficient time to provide input. Staff stated it may be possible to schedule an additional GAP meeting in early October after the Council has met to review alternatives that are not specific to specifications.

Another advisor noted there is nothing in FW65 specific to a review of the current Atlantic cod stock boundaries. They also stated the reference points used in the Gulf of Maine (GOM) cod assessment and rebuilding projections are unrealistic. Staff explained there is a multi-year Council priority to develop a transition plan for Atlantic cod if it goes from two to four or five management units that is separate from this framework. They also noted SSC feedback on GOM cod reference points and rebuilding projections will be provided later in the presentation.

Presentation - Gulf of Maine Cod Rebuilding

The Council received a letter from the Greater Atlantic Regional Fisheries Office (GARFO) that GOM cod was making inadequate progress on rebuilding and therefore the Council must implement a new rebuilding plan within two years. Staff shared the PDT's analysis of different GOM cod rebuilding

projections and provided Council Staff's preliminary summary of the Scientific and Statistical Committee's (SSC's) feedback but noted the final SSC report is not available yet. The SSC agreed with the PDTs recommendation of using the current Acceptable Biological Catch (ABC) of 551mt through FY2024. Staff shared a Risk Policy Matrix for GOM cod and encouraged the advisors to provide feedback on the matrix.

Questions and Comments on the Presentation:

An advisor asked how the Risk Policy Matrix incorporates climate change. Staff explained the matrix provides a summary of information to consider when assessing stocks but is not exhaustive. The matrix has a specific 'climate considerations' section. The advisor emphasized the importance of a climate statement since warming waters have worsened parasites, reduced reproductive fecundity, and altered where larvae settle. They stated any projections that show rebuilding to higher than 30,000mt are unrealistic. Another noted sector managers recently provided the SSC with updated information on Georges Bank (GB) cod lease values, and staff noted this information could be added to the GB cod matrix.

An advisor noted Atlantic cod quota is only useful to the fishery because one must have cod quota to target other fish. They agreed with the 551mt ABC recommendation. They expressed support for the rebuilding projections that utilized $M=0.4$ and noted even if a large year class occurs, the current physical ocean conditions will likely result in high mortality. Staff noted the draft alternatives for FW65 will be developed in September and explained the GAP could make a motion in support of a particular $\%F_{MSY}$ or fixed F rates the GAP would like to see further developed. A second advisor suggested the GAP recommend a constant catch approach to acknowledge the uncertainty in natural mortality. They asked if there is a belief that changes to the physical ocean environment have made the current spawning protection measures ineffective. The first advisor stated spawning is still occurring in spawning areas but further out and larvae are possibly being swept out by the longshore current.

Presentation - Georges Bank Cod Additional Relevant Information for FY 2023-2024 OFLs and ABCs

Staff provided updated survey indices, commercial and recreational catch performance, ratios of US landings and discards, in-season utilization, and a summary of economic information that has become available since the last GB cod assessment. The most recent spring and fall surveys show a slight increase in biomass. Staff explained the GB cod recreational catch target is not a sub-Annual Catch Limit (sub-ACL) allocated to the recreational fishery, but a target used to develop measures that will keep recreational catch at or below that value. Based on Council staff's preliminary summary of the SSC's recommendations, the majority of the SSC recommended setting a constant ABC for FY2023-2024 of 904 mt but a minority report will also be developed in support of maintaining the FY2022 ABC of 754 mt ABC.

Questions and Comments on the Presentation:

An advisor asked for clarification about the unknowns in the GB cod allocation if the Council were to hypothetically recommend an ABC of 904 mt. Staff explained the unknowns are 1) what the Canadian total allowable catch (TAC) will be; 2) other subcomponents' expected catch; and 3) the recreational catch target. The advisor asked for an explanation on the how the recreational catch target is determined. Staff explained the target is typically based on stock assessment and catch data, but calendar year (CY) 2021 recreational catch data is not yet available.

1. MOTION: ODELL/CANASTRA

The Groundfish Advisory Panel supports the development of options that would revise the current accountability measures, lb. for lb. payback by the commercial fishery, from a potential

overage of the catch target of Georges Bank cod by the recreational fishery and subsequent overage of the total ACL, in light of the delay in implementation of Framework 63 measures.

Rationale on the Motion: An overage of the total ACL caused by the recreational fishery exceeding their catch target should not automatically trigger an accountability measure (AM) on the commercial fishery.

Discussion on the Motion:

One advisor expressed support for the motion and asked if the PDT has discussed what kind of measures could be developed to substitute for the current pound-for-pound payback. They also noted a recreational catch overage is not known until the end of the fishing year. Staff explained the PDT has not had an in-depth discussion on this topic yet, but measures could potentially be based on catch performance similar to what is done for the windowpane flounder fishery: if there is an overage of windowpane flounder in year 1, but an underage in year 2, the reduction in quota in year 3 would take that into account and could be less severe.

One advisor asked if the intent is to revise AMs for the recreational fishery or the commercial fishery. Another asked if a new AM is developed, is the intention to have that AM replace the pound-for-pound payback. The maker of the motion said their intent was to revise recreational fishery AMs, and they were not necessarily suggesting removing the pound-for-pound payback but wanted to recognize having just this option is unacceptable. Council staff noted the recreational fishery does not have a sub-ACL and AMs in place, and the Council motion in June on this topic was more focused on adjusting commercial fishery AMs. The maker of the motion emphasized their intent is to remove the accountability from the commercial fishery if there is an overage of the ACL resulting from the recreational catch target being exceeded.

One advisor expressed support for the motion but concern the analysis will slow down implementation of the framework. Council staff noted specific ideas brought forward at the AP or Groundfish Committee (Committee) meetings help the PDT focus their work. The maker of the motion noted since an FY2022 recreational catch overage won't be determined until Fall 2023, this analysis will need to be included in FW65 if they want to avoid a commercial pound-for-pound payback in 2024.

MOTION #1 CARRIED/7-1-0

2. MOTION: GOETHEL/BRADY

The Groundfish Advisory Panel recommends to the Groundfish Committee that the Groundfish Advisory Panel agrees with the Scientific and Statistical Committee recommendation of constant ABC of 551 mt for Gulf of Maine cod for fishing years 2022 through 2024. Further, the Groundfish Advisory Panel does not believe the stock will rebuild in ten years because of current bottom water temperatures. Spawning Stock Biomass reference points are unrealistic because they are based on a cold-water regime that no longer exists.

Rationale on the Motion: Although there has not been on-going monitoring (as there should be in the current spawning areas), it is perceived that fish are still spawning in spawning closed areas but in deeper water. This changes larval distributions and causes poor recruitment. Thus, M of 0.4 and low recruitment are the most likely projections.

Discussion on the Motion: One advisor noted the spawning protection areas have not been adequately monitored, and observations that fish are spawning in deeper waters are subjective.

MOTION #2 CARRIED/6-0-0

3. MOTION: RAYMOND/ODELL

The Groundfish Advisory Panel supports the Scientific and Statistical Committee's recommendation of 904 mt ABC for George Bank cod for fishing years 2023 and 2024.

Rationale on the Motion: From listening to their meeting, the SSC weighed the economic impacts of the current ABC, the scientific uncertainties about the stock status, and potential impacts to sectors should an overage in the recreational fishery cause an overage of the overall ABC and cause further negative impacts to the commercial fishery.

Discussion on the Motion: An advisor referenced the letter sent from sector managers to the SSC, which provides additional economic information supportive of a higher ABC.

MOTION #3 CARRIED 6-1-0.

Presentation - Southern New England/Mid-Atlantic Winter Flounder FY2023-2025 OFLs and ABCs

Staff provided updated survey indices, commercial catch performance, a summary of economic information, and catch of Southern New England/Mid-Atlantic (SNE/MA) winter flounder by other federal fisheries. Staff explained the SNE/MA winter flounder is current in a rebuilding plan, but at the most recent management track assessment was determined to no longer be overfished and to be rebuilt. This was a direct result of a change made to the recruitment stanza going into the projections. The PDT provided the SSC with numerous options to consider for setting FY2023-2024 OFLs and ABCs. Based on Council staff's preliminary summary of the SSC's recommendations, the SSC recommended a constant ABC of 627mt based on 50%F_{MSY} for FY2023-FY2025.

Questions and Comments on the Presentation:

One advisor asked how much SNE/MA winter flounder is caught in state waters. Staff explained state catch is outlined in the appendix. SNE/MA winter flounder is an inshore species and there is a relatively large amount of catch in state waters. Liz Sullivan (NMFS GARFO) explained that the 'other fisheries' component is only reflective of federally permitted vessels but that does not mean only trips occurring in federal waters. These vessels could be fishing in state waters but by a vessel with federal permits and operating under those permits. State waters catch is catch occurring in state waters and also cannot be attributed to any federal fisheries permits. Ms. Sullivan clarified for an advisor that recreational catch is broken up based on where it occurs, and there is a recreational component both in the 'other fisheries' subcomponent and state subcomponent.

Two advisors pointed out the SSC's recommendation was extremely conservative. One expressed concern regarding SSC discussions on setting a higher ABC to allow for an increased allowable bycatch in non-groundfish fisheries. They asked when the Council will receive a letter updating the stock status of SNE/MA winter flounder. Staff explained the SSC recognized the situation using a constant ABC at a low %F_{MSY} was unusual but acknowledged a similar situation may occur for other stocks in the future. The SSC will be looking for guidance on when to follow a process different than an established control rule, and part of FW65 is to review the current control rules. Staff explained the SSC focused their concern on the poor condition and productivity of the stock and recognition that the rebuilt status was a direct result of changes in the model when setting the conservative ABC. Ms. Sullivan explained there is a process the agency must go through to update the official stock status and hopes to communicate with the Council soon. If the stock status is revised to rebuilt, the Council has the option to end the rebuilding plan.

An advisor asked if there was a Council motion to investigate the high SNE/MA winter flounder catch in the squid fishery. They hoped to see how trips are binned since the amount of catch attributed to the squid fishery seems unrealistic. Staff explained the motion to explore catch in the squid fishery was a tasking level motion and therefore flows from the Committee to the PDT and GAP. The PDT will be looking into this at a future meeting but has been focused on developing information to support the fall SSC meetings.

4. MOTION: RAYMOND/SOULE

The Groundfish Advisory Panel reaffirms support for establishing a sub-ACL for all fisheries that exceed 5% catch.

Rationale on the Motion: This is consistent with the current requirements for a sub-ACL for fisheries that exceed 5% catch. *From Amendment 16:* “For the category described as “other non-specified”, catches will be monitored and if the catch rises above the five percent accountability measures will be developed to prevent the overall ACL from being exceeded.” Pp. 91 A16

Discussion on the Motion: An advisor asked if the intent of the motion would be for the AM to be implemented even if the total ACL is not exceeded. The maker of the motion said that would be a decision for the Council, but the motion is reaffirming these fisheries are exceeding 5% of the total catch and the requirements set by A16 should be adhered to. Ms. Sullivan clarified the sector and common pool fisheries already have a sub-ACL and for GOM cod and haddock the recreational fishery has a sub-ACL. The scallop fishery also has a mid-water trawl sub-ACL for some stocks. Fisheries included under ‘other fisheries’ and state fisheries are subcomponents and therefore do not have a sub-ACL or associated AMs. An advisor noted the percentage of catch in other fisheries has grown while the groundfish fishery has exhibited a reduction in effort and catch.

MOTION #4 CARRIED 6-1-0.

5. MOTION: BRADY/ODELL

The Groundfish Advisory Panel reaffirms its June 2, 2022 motion:

That the Groundfish Advisory Panel requests the Groundfish Committee task the Groundfish Plan Development Team with a full re-evaluation of how groundfish catch is assigned by fishery in other fisheries, focusing on Southern New England/Mid-Atlantic winter flounder. That re-evaluation should look at all aspects of VTR assignments, observer data, and extrapolation methods.

Rationale: VTR assignments of trips is not perfect, and before further analysis is done there should be a close look at how trip classifications are made because the catch of SNE/MA winter flounder currently attributed to the squid fishery does not match the activities of the squid fishery or the health of the SNE/MA winter flounder fishery.

Rationale on the Motion: Decision making should be based on the best data available. If the catch data attributed to other fisheries is correct, this may be indicative of stock health that is different than what is currently assumed.

MOTION #5 CARRIED 6-0-1.

Presentation - Georges Bank Yellowtail Flounder FY 2023-2024 OFLs and ABCs

Staff presented updated catch performance, ratio of US discards to landings, observed catches, in-season utilization by the commercial fishery, and a summary of economic information. The small-mesh and scallop fisheries also have catch limits of GB yellowtail flounder, and staff presented catch in these fisheries. Staff explained the scallop fishery has a gear-based AM that allows them to continue to fish with a modified dredge even if there is an overage. Due to an overage of the northern windowpane flounder sub-ACL in FY2020, the scallop fishery is required to use the modified dredge in FY2022 which will likely also reduce GB yellowtail flounder catch. Based on Council staff's preliminary summary of the SSC's recommendations, the SSC reaffirmed the PDT and TRAC recommendation of a 200 mt ABC for FY2023 and FY2024.

Presentation - ABC Control Rules

Staff informed the GAP the PDT is exploring modifications to the existing groundfish control rules. The Groundfish Committee recognized the value of exploring modifications or replacements of the control rules but felt more intensive changes could be explored under an additional priority for 2023.

AGENDA ITEM #2: AMENDMENT 23 REVIEW METRICS, MS. FREDE (NEFMC)

Council staff shared the Groundfish Committee and Council input on possible review metrics and indicators to include in a review of the groundfish monitoring plan implemented by Amendment 23 (A23). The PDT will be developing a living discussion document of these possible metrics and indicators which will be reviewed by a sub-panel of the SSC in 2023.

Questions and Comments on the Presentation:

An advisor asked about the Council suggestion of tracking if vessels that exhibited observer bias have remained in the fishery since the implementation of A23. They noted there has been increased attrition from the fishery for other reasons like high fuel prices or decisions to retire. Staff noted the PDT still needs to discuss how this analysis will be conducted, but the document will include an explanation of the fishery conditions, including factors that may have contributed to an individual's decision to leave the fishery.

AGENDA ITEM #3: ATLANTIC COD MANAGEMENT, DR. COURNANE (NEFMC)

Council staff presented a map of the current four biological units under consideration by the Atlantic Cod Research Track Working Group. The Committee has tasked the PDT with developing a White Paper on potential approaches to allocate cod caught in the Georges Bank area to the recreational fishery.

AGENDA ITEM #4: POSSIBLE COUNCIL 2023 PRIORITIES, DR. COURNANE (NEFMC)

Council staff shared the list of 2022 Council Priorities and asked advisors if there were any additions they would like to forward to the Committee and Council for consideration as 2023 priorities.

Questions and Comments on the Presentation:

An advisor requested an examination of the universal sector exemptions for redfish be considered by the Committee for inclusion as a 2023 priority. Staff noted when the exemption was established in FW61, it included the provision for a review to take place after a stock assessment is conducted. Redfish is scheduled to be assessed in 2023. Work on the review by the PDT will begin sometime in 2023 and into 2024. An advisor asked if the GAP's previous motion that aging redfish samples be a priority has been reviewed by any management body. Council staff explained research priorities were discussed at the June Council meeting, and there has been some correspondence between the Science Center and the Council on this issue.

AGENDA ITEM #5: OTHER BUSINESS

6. MOTION: SOULE/BRADY

The Groundfish Advisory Panel recommends to the Groundfish Committee to recommend to the Council to examine modifications to the universal sector exemptions for redfish to be in place for fishing year 2023.

Rationale on the Motion: The existing Maximum Retention Electronic Monitoring (MREM) EFP has mesh and closed area incentives (including an allowance to have 4.5-inch mesh size instead of 5.1-inch) to encourage adoption of EM and participation in the maximized retention program (which allows no groundfish discards). With the incentives coming to an end under an ‘operational’ MREM program, some boats are dropping out of EM and others are deciding not to join.

Discussion on the Motion: Staff asked if the maker of the motion had considered what FY2022 priority could be removed if this one was added. The maker of the motion stated they had not, and the GAP Chair noted this could be discussed later if the Council asks for a priority to be removed.

MOTION #6 CARRIED 5-1-0.

Advisor David Goethel shared with the GAP that this was his last meeting. The GAP members thanked him for his service and contributions over the years.

The Groundfish Advisory Panel meeting adjourned at approximately 12:20 pm.