

Conservation Law Foundation's Petition for Rulemaking on Atlantic Cod

New England Fishery Management Council meeting
September 30, 2020

GARFO Letter

June 10, 2020

- “On February 13, 2020, the Conservation Law Foundation (CLF) submitted a petition for rulemaking to the Secretary of Commerce to implement all necessary and appropriate conservation and management measures to end overfishing of Atlantic cod immediately and rebuild the fishery (see enclosure). I am requesting that the Council carefully consider the petition, and if it determines there is merit to the petition, that it include appropriate management and conservation measures in an upcoming action.”
- “We intend to take into account the Council’s decision on addressing the CLF petition when we determine (1) whether the petition has merit, and (2) whether to proceed with rulemaking through Secretarial action. If we determine that a Secretarial action is necessary, we may consult with the Council, but development, approval, and implementation would be NMFS’s responsibility.”

Council Motion

June 25, 2020

To place the CLF petition on the agendas of the next appropriate Recreational Advisor's, Groundfish Advisor's and Groundfish Committee's meetings for discussion to be reported back to the full Council in September. Work on Amendment 23, TRAC, and Framework Adjustment 61 should still take priority.

Carried 16/1/0

Measures Identified by CLF in the Petition

“New Conservation and Management Measures Are Necessary and Appropriate to End Overfishing and Rebuild Atlantic Cod” pp. 50-56 of the petition, Feb. 13, 2020

- 100% at-sea monitoring on all commercial groundfish trips
- A prohibition on directed commercial and recreational fishing for Atlantic cod
- Area closures to protect all identified Atlantic cod spawning locations and favorable habitat for juvenile and adult cod
- Use of modified fishing gear throughout the U.S. range of Atlantic cod to reduce incidental catch
- Additional measures to reduce the mortality of incidental catch of Atlantic cod in recreational fisheries

Committee Motion

August 19, 2020

The Committee recommends to the Council that they write a letter to NMFS to address the claims made in the petition that are errors in facts or errors in interpretation, including how recent changes to how ACLs and ABCs have been calculated by the SSC, and how recent actions (e.g., FW59 and Habitat OA2) and ongoing actions/management (e.g., A23, stock structure) have been crafted to address the status of the cod stocks.

Carried 8/1/0

For Today

Discuss how to address issues that may have merit.

Framework Adjustment 6I: Specifications and Management Measures

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New England
Fishery Management Council

Draft Alternatives Under Consideration

- 2021 total allowable catches (TACs) for U.S./Canada stocks of Eastern Georges Bank (GB) cod, Eastern GB haddock, and GB yellowtail flounder;
- 2021-2023 specifications for roughly half of the groundfish stocks:
 - Winter flounders (GB, GOM, and SNE/MA), redfish, halibut, windowpane flounders (northern and southern), ocean pout, and wolffish.
- White hake rebuilding plan
- Other measures:
 - address commercial/recreational allocation issues if raised by new MRIP data, and
 - investigate ways to increase GB haddock utilization, including modification of gear requirements

Council Milestones

- **June** – initiated the action
- **September** – receive and approve TMGC's TAC recommendations for U.S./Canada stocks, SSC report on GB yellowtail flounder, update on any draft alternatives under other measures
- **December** – SSC report on groundfish stocks, receive specifications alternatives and take final action on entire action - specifications and other measures
- Implementation by **May 1, 2021**, NMFS

Recent Meetings

- **July** – TRAC made recommendations for GB yellowtail flounder, EGB cod, and EGB haddock
- **August** –SSC recommendation for OFLs and ABCs for GB yellowtail flounder and review of PDT's plan for white hake rebuilding plan options
- **September** – TMGC's TAC recommendations and
Peer Review of Management Track Assessments

Possible Considerations for FW61

ADD

- Update Biological Reference Points for GB winter flounder (FMSY to F40%)

EVALUATION

- PDT's evaluation examines the priority to "address commercial/recreational allocation issues if raised by new MRIP data".
- Based A16 criteria for allocation, PDT does not recommend allocation changes.
- PDT recommends adding a discussion of MRIP data to the Affected Environment (e.g., FW59).

CONSIDER ADDING

- Modifying the accountability measures for GB yellowtail flounder for commercial groundfish fishery, small-mesh fisheries, and scallop fishery, and
- Send back to PDT for additional evaluation on possible measures (e.g., changing the AM trigger, no possession, and other measures)

For Today

Receive and update and approve recommendations from the TMGC and SSC.



Additional Slides

Georges Bank Haddock Utilization

Groundfish AP Meeting – January 21:

The Groundfish Advisory Panel requests that the Groundfish Committee include in the next available action a provision to allow US fishermen fishing in the eastern US/CA area to use the same trawl gear used by Canadian fishermen and to explore using smaller mesh gillnets such as 5.5 in - 6 in mesh.

Rationale: The Georges Bank haddock resource is grossly underutilized. US fishermen are disadvantaged in catch by using less efficient/effective gear and economically be Canadian catch of haddock shipped into US markets.

Motion *carried* 7/2/0.

Georges Bank Haddock Utilization

Groundfish AP Meeting - June 9:

The Groundfish Advisory Panel recommends the Groundfish Committee request the Council to request the Regional Administrator to allow trawl fishermen, along with a requirement to fish with a Ruhle trawl, or a haddock separator trawl, or a rope trawl or other gear approved by the Regional Administrator for use in the Regular B DAS Program, to use the same mesh size as Canadian fishermen within the eastern US/CA area. Enforcement of this small mesh exemption would be administered in a similar way to the redfish exemption.

- Declare on trip start hail you might go small mesh haddock fishing in eastern US/CA area.
- Once you steam in the area you send a notice to NMFS then switch cod ends
- You must stay there for the rest of your trip (you could actually switch back to a larger mesh, but have to stay in the zone)
- Threshold limit of at least 50% haddock catch

Canadian Gear Requirements

While fishing in Subarea 5z (Georges Bank) for haddock:

- Cod end mesh size of 125mm square (4.9" square)
- Cod end + lengthening piece must be a minimum of 8.5m – to ensure meshes remain square
- Strengthening ropes must be fitted in a way to not obstruct meshes, length cannot be less than total circumference of cod end with ropes a minimum of 1m apart
- Horizontal separator panel made of diamond mesh
- Gear stowage requirement when transiting

Council hosting public meeting focusing on the recreational groundfish party/charter fishery

Monday, October 5, 2020, 4:00 to 6:00 p.m. By Webinar

OVERVIEW: The Council contracted with Tidal Bay Consulting to develop a strawman proposal for a limited entry program for party/charter vessels participating in the recreational Northeast multispecies (groundfish) fishery. The purpose of this initial public meeting is to: announce the development of the strawman; solicit feedback from stakeholders on a draft limited entry template; and provide information on how stakeholders can offer additional comments. The limited entry template is based on public comments received at recreational listening sessions held by the Council in April and May 2019 and input from the Recreational Advisory Panel (RAP) and Groundfish Committee.

OPPORTUNITIES TO COMMENT: The October 5 public meeting is one of several opportunities for the public to ask questions and offer feedback on the draft limited entry template. Information on how to provide input will be posted on Tidal Bay Consulting's website as details become available. Visit Recreational Groundfish Party/Charter Limited Entry Feedback.

- Feedback will be accepted beginning on October 5 during the public meeting.
- The deadline for providing input is 5:00 p.m. on October 19, 2020.

NEXT STEPS: Feedback on the limited entry template will be summarized in a report that will accompany a strawman. Council staff and Tidal Bay Consulting will present a summary of this process and provide the report to the RAP and Groundfish Committee this fall for further consideration. Ultimately, the Council will decide whether or not to initiate a regulatory action to develop a limited entry program in 2021.

Catch Share Review Update

- Since May, two correspondence reviews were completed by the GF PDT and a sub-panel of the SSC.
- The SSC determined that the analysis was complete, met requirements for reviewing CS programs, and commented on recommendations.

SSC Sub-Panel Recommendations

- Clear goals and objectives by which to evaluate progress specific to the program and develop expectations for impacts
- Identification of data needed for evaluation to avoid analytical barriers
- Improved linkages across data and analysis to improve understanding of effects
- Early and regular engagement with all types of stakeholders to define research questions
- Improved information on intra-sector ACE lease market transactions

Final Draft Report Recommendations

- Next review should be conducted sooner to better align with management
- Stakeholder engagement should be designated early on
- Convening a stakeholder workshop to focus on the effects of the catch share system
- Further investigation into variation in responses between the common pool and sectors
- Improve catch accounting/ data streams with respect to monitoring and enforcement
- Data Gaps:
 - Community vulnerability indicators not specific to fishing
 - Cost data is lacking on fixed costs
 - Mandatory and systematic sector participation cost data is lacking (sector fees, lease costs, ASM costs)
 - Crew wages/share data lacking
 - Shoreside infrastructure: limited information available about changes
 - Habitat impacts: data on fine-scale geographic changes in fishing effort

PDT Recommendations

- Improved understanding of entrance/exit of the fishery
- Sector manager interviews on participation changes
- Comprehensive review of sector reporting requirements and data needs for conducting catch share reviews