



New England Fishery Management Council

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MEETING SUMMARY

Recreational Advisory Panel

Webinar

December 1, 2022

The Recreational Advisory Panel (RAP) met on December 1, 2022, via webinar to discuss: 1) Framework Adjustment 65/Specifications and Management Measures; 2) Atlantic Cod Management; and 3) other businesses, as necessary.

MEETING ATTENDANCE: Frank Blount (Chair), Barry Gibson (Vice Chair), Rip Cunningham, Tom DePersia, Patrick Paquette, James Reilly, Jon Sterritt, and Tim Tower; Dr. Jamie Cournane and Angela Forristall (New England Fishery Management Council (NEFMC) staff).

In addition, 13 members of the public attended. Among them were: Rick Bellavance (Groundfish Committee chair); Dan Salerno, Mike Pierdinock, Paul Risi, and Peter Whelan (Groundfish Committee); Mark Grant, Kyle Molton, Liz Sullivan, and Sam Tolken (Greater Atlantic Fisheries Regional Office (GARFO)); Paul Nitschke (Northeast Fisheries Science Center (NEFSC)); Kelly Whitmore and Matt Ayer (Massachusetts Division of Marine Fisheries (Mass DMF)); and Allison Lorenc (Conservation Law Foundation)

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) FW65 Draft Alternatives; (3b) FW65 Draft biological impacts analysis; (3c) FW65 Draft economic impacts analysis; (3di) Groundfish PDT Memo on Atlantic Halibut; (3dii) Groundfish PDT Memo on Draft Alternatives for FW65; (3e) Decision Document FW65; (4) DRAFT Groundfish PDT to Committee Memo re Atlantic Cod – Possible Recreational Allocation Approaches; (5a) TMGC Guidance Document; (5b) DRAFT Groundfish Committee Meeting Summary, Nov 22; (6) Correspondence

The meeting began at 9:30 am.

KEY OUTCOMES:

- The Recreational Advisory Panel recommends as preferred to the Groundfish Committee Alternative 2, Option B – 70%FMSY for the Gulf of Maine cod rebuilding strategy.
Alternative 2 Revised Rebuilding Strategy for Gulf of Maine Cod
Recommends: Option B. T_{target} of 10 years, rebuilding by 2033, at F_{rebuild} of 70%FMSY= 0.121, which results in a 62% probability of achieving B_{MSY}

- The Recreational Advisory Panel recommends a to the Groundfish Committee to oppose removal of management uncertainty buffers and specifically under
Alternative 2 Revised Specifications
Opposes: Option B— Remove the management uncertainty buffer for sectors when ASM target coverage rate is set at 99% or greater
 - Option B1- Gulf of Maine haddock
 - Option B2- White hake
- The Recreational Advisory Panel recommends as preferred to the Groundfish Committee Alternative 2 Revised Specifications (including changes for Gulf of Maine haddock FY2023- FY2025 OFLs and ABCs and OFLs/ABCs for most groundfish stocks) and under
Option A – Georges Bank cod ABC for FY2023 and FY2024
Recommends: Option A1 – 754 mt
- The Recreational Advisory Panel recommends as preferred to the Groundfish Committee under Alternative 3 – Recreational Catch Target for Georges Bank Cod
Recommends: Option 4— Revised Recreational GB Cod Catch Target Based on Recent Percentage of US Fisheries Catches
If under a 754 mt ABC, the GB cod recreational catch target would be set for fishing years 2023 and 2024 using the method as follows:
 - The 3-year (CY2019-CY2021) average percentage of recreational catches relative to US fisheries total catches (30.7%) applied to the possible FY2023 US ABC (369 mt) under a 754 mt ABC.
 - This results in a GB cod recreational catch target of 113 mt.
- The Recreational Advisory Panel recommends to the Groundfish Committee that the management uncertainty buffer used to determine those for the recreational fishery sub-ACLs be equal to those set buffers used for the commercial fishery.

AGENDA ITEM #1: Framework Adjustment 65/Specifications and Management Measures, Dr. Cournane (NEFMC Staff)

Council staff shared a timeline of groundfish management activities by quarter for 2022. Staff shared the goals, objectives, scope, and range of alternatives of Framework 65 (FW65) and a timeline for the action. Staff noted alternatives have not been developed under *Action 3: Revisions to ABC Control rules*, *Action 4: Additional Measures to Promote Stock Rebuilding for GOM cod* and *Action 5: Additional Measures to Promote Stock Rebuilding for GB cod*.

For *Action 1: Formal Rebuilding Plan for GOM cod*, staff shared the Groundfish Plan Development Team's (PDT) analysis of different Gulf of Maine (GOM) cod rebuilding projections under a low mortality (M=0.2) and high mortality (M-ramp) model and the Scientific and Statistical Committee (SSC) feedback.

For *Action 2: Revised Specifications*, staff presented draft revised specifications for groundfish stocks. Staff highlighted the GOM haddock draft FY2023 sub-ACL is over 80% lower than what it was in FY2022 and the GOM cod sub-ACL will remain unchanged. If no action is taken, default specifications will be in place starting May 1st. Default specifications would be 75% of the current year's specifications or the anticipated updated specifications (whichever is lower) until updated specifications are approved. If no specifications are approved after six months (November 1st), then the Acceptable Biological Catch (ABC) would default to zero. Staff noted the Committee has included two options for a GB cod ABC (754 mt and 904 mt) and an option that would remove the management uncertainty buffer for GOM haddock and/or white hake when the At-Sea Monitoring (ASM) target coverage is set at 99% or greater.

Staff shared the different alternatives under consideration for calculating the GB cod recreational catch target.

Questions and Comments on the Revisions to Formal Rebuilding Plan for GOM Cod:

An advisor observed rebuilding does not occur in ten years under the M-ramp/high natural mortality projections and asked if this was somehow incorporated into the proposed rebuilding plans. Staff noted the projections under the $M = 0.2$ projections could result in rebuilding in less than ten years, but the PDT is suggesting a 10-year rebuilding plan to account for the uncertainties in natural mortality.

An advisor asked for clarification on the mortality rates for FY2023 and FY2024. Staff explained ABCs were put into place for FY2023 and FY2024 in FW63 and will remain unchanged. The mortality associated with those ABCs is more conservative than the proposed rebuilding plans which the SSC noted would help to promote stock rebuilding.

1. MOTION: CUNNINGHAM/PAQUETTE

The Recreational Advisory Panel recommends as preferred to the Groundfish Committee Alternative 2, Option B – 70%FMSY for the Gulf of Maine cod rebuilding strategy.

Alternative 2 Revised Rebuilding Strategy for Gulf of Maine Cod

Recommends: Option B. T_{target} of 10 years, rebuilding by 2033, at F_{rebuild} of 70%FMSY= 0.121, which results in a 62% probability of achieving B_{MSY}

Rationale: Option B has a higher probability of rebuilding than option C and would result in fewer negative economic impacts than Option A.

Discussion on the Motion:

Advisors agreed that Option B was the best compromise of all the Options when considering economic impacts and the probability of rebuilding.

MOTION #1 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

Questions and Comments on Revised Specifications:

Advisors asked for clarification on the rationale for removing the management uncertainty buffer when the ASM coverage rate is set at 99% or greater. Staff explained this is related to the Amendment 23 (A23) provision that removes the management uncertainty buffer when the coverage target is set at 100% and coverage cannot be set at 100% and sectors cannot benefit from the removal of the buffer until A23 is implemented. The Committee discussed 100% and 99% are very close and therefore the analysis done on the buffer removal for A23 is still applicable. Recreational advisors stated there are more factors than just low observer coverage that contribute to uncertainty and cited scientific uncertainty, model uncertainty, and the winter midwater trawl catch of GOM haddock as examples.

An advisor asked for clarification on how the different GB cod ABCs were calculated. Staff explained the 754 mt ABC is the output of the index-based assessment, was put into place for FY2022, and was a drastic reduction from the FY2021 GB cod ABC. The 904 mt ABC came from a recommendation made by a minority of the SSC last year¹. The minority recommended a ramped-down approach to lower the ABC from FY2022 to FY2024 to reduce economic impacts on the fishery, and 904 mt was what was recommended as the FY2023 ABC in the ramped-down approach.

¹ See page 8 of the November 29, 2021 SSC Report: https://s3.us-east-1.amazonaws.com/nefmc.org/17_FINAL-SSC-report-groundfish-10_25_21.pdf

2. **MOTION: PAQUETTE/TOWER**

The Recreational Advisory Panel recommends a to the Groundfish Committee to oppose removal of management uncertainty buffers and specifically under Alternative 2 Revised Specifications

Opposes: Option B— Remove the management uncertainty buffer for sectors when ASM target coverage rate is set at 99% or greater

- Option B1- Gulf of Maine haddock
- Option B2- White hake

Rationale: Stock assessment science and fisheries data are not perfect and therefore buffers should not be removed.

Public Comment:

- Mike Pierdinock (Groundfish Committee member) asked if the motion is specific to the sector portion of the commercial fishery and what the impacts on the recreational fishery would be.
 - Staff noted the recreational and commercial fisheries both catch GOM haddock and the recreational fishery may wish to have buffers in place as a tool to prevent overfishing.

MOTION #2 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

An advisor asked if a 904 mt ABC would be approved by GARFO. Liz Sullivan (GARFO) shared the agency has recently sent a letter to the Council noting the SSC report does not include sufficient justification that a 904 mt ABC would prevent overfishing and promote rebuilding². She noted the Committee added the 754 mt ABC alternative as a fallback.

3. **MOTION: CUNNINGHAM/TOWER**

The Recreational Advisory Panel recommends as preferred to the Groundfish Committee Alternative 2 Revised Specifications (including changes for Gulf of Maine haddock FY2023-FY2025 OFLs and ABCs and OFLs/ABCs for most groundfish stocks) and under

Option A – Georges Bank cod ABC for FY2023 and FY2024

Recommends: Option A1 – 754 mt

Rationale: There is insufficient justification supporting a 904 mt ABC.

Discussion on the Motion:

Advisors supported having 754 mt as the ABC instead of as a fallback option.

MOTION #3 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

Questions and Comments on Revised Specifications – GB Cod Recreational Catch Target:

Staff clarified the commercial fishery is accountable for a pound-for-pound payback if an overage of the ACL occurs due to catch by state waters and other fisheries in addition to recreational fisheries. Staff noted the more restrictive recreational measures set for FY2023 were not in place until July and therefore

² See page 36: https://s3.us-east-1.amazonaws.com/nefmc.org/7_220522-GF_Council_Correspondence_2022-11-29-154133_fadn.pdf

the conservation benefits were not fully realized. The Council has written letters to states that do not have complimentary recreational measures in place asking them to consider implementing them. The more restrictive measures and complementary state regulations would result in benefits to the cod resource.

An advisor asked why there is not a recreational sub-ACL for GB cod and if the recreational fishery is accountable for a pound-for-pound payback if there is an overage of the ACL due to catch by the commercial fishery. Staff explained the current approach is to estimate a recreational catch target and set measures such as size and bag limits and closed seasons predicted to keep recreational catch at or under the target. Staff explained the recreational fishery is not subject to a pound-for-pound payback but if the commercial fishery consistently exceeds their sub-ACL there could be negative impacts to the stock and reductions to the ABC that would likely result in lower recreational catch targets. The advisor expressed frustration, stating the recreational fishery has never been allocated its proper amount of historic catch and has been subject to lower and lower catch targets that are set arbitrarily. Another advisor noted the Council has considered a recreational sub-ACL but there have been discussions that this should wait until after the work of the Atlantic cod research track working group is complete and cod management units have been updated.

4. MOTION: PAQUETTE/GIBSON

The Recreational Advisory Panel recommends as preferred to the Groundfish Committee under Alternative 3 – Recreational Catch Target for Georges Bank Cod

Recommends: Option 4– Revised Recreational GB Cod Catch Target Based on Recent Percentage of US Fisheries Catches

If under a 754 mt ABC, the GB cod recreational catch target would be set for fishing years 2023 and 2024 using the method as follows:

- The 3-year (CY2019-CY2021) average percentage of recreational catches relative to US fisheries total catches (30.7%) applied to the possible FY2023 US ABC (369 mt) under a 754 mt ABC.
- This results in a GB cod recreational catch target of 113 mt.

Discussion on the Motion:

Advisors discussed and clarified they are supporting the method of setting the catch target and if a different ABC is selected still recommend this method.

MOTION #4 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

Questions and Comments on Additional Measures to Promote GOM Cod Rebuilding:

An advisor asked why the recreational management uncertainty buffer is set at 7% but the commercial management uncertainty buffer is only 5%. Staff clarified for stocks with less management uncertainty, the buffer is set at 3% of the ABC; for stocks with more uncertainty, the buffer is set at 7% of the ABC. Stocks not caught in state waters have a lower management uncertainty buffer of 3% of the ABC; zero possession, discard-only stocks have a higher management uncertainty buffer of 7% of the ABC. Staff explained these percentages were established in Amendment 16 (A16), and at the time these percentages were selected to address the uncertainties in catch reporting for the different components of the fishery. The advisor stated that recreational catch data and the Marine Recreational Information Program (MRIP) have improved since A16 was implemented. Advisors supported the use of management uncertainty buffers but did not feel the buffers for the commercial and recreational fishery should differ.

5. MOTION: PAQUETTE/CUNNINGHAM

The Recreational Advisory Panel recommends to the Groundfish Committee that the management uncertainty buffer used to determine those for the recreational fishery sub-ACLs be equal to those set buffers used for the commercial fishery.

Rationale: In consideration of MRIP data improvements since A16, the default management uncertainty buffer of 7% is no longer appropriate.

MOTION #5 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

AGENDA ITEM #2: Atlantic Cod Management, Dr. Cournane (NEFMC Staff)

Staff provided a summary of the discussions the Atlantic cod research track working group has had regarding how to attribute recreational catch to updated management units. The Committee has recommended what should be included in a white paper on potential approaches to allocate recreational catch of fish currently referred to as Georges Bank cod to the recreational fishery and the PDT is working on developing an outline. This work is currently on hold until data becomes available.

AGENDA ITEM #3: Other Business

Advisors discussed potential gear modifications or management measures that could reduce cod mortality. Kyle Molton (GARFO) noted he has been researching literature on this topic and can present findings to the RAP in January. Advisors discussed boat limits, hook modifications, and maximum retention combined fish limits similar to the California 10-fish aggregate limit³.

The RAP meeting adjourned at approximately 12:10 p.m.

³ The California Department of Fish and Wildlife has established a rockfish/cabazon/greenling complex with a daily 10-fish bag and possession aggregate limit, meaning that each angler's catch can be composed of any combination of rockfish, cabazon, or greenling, as long as total catch remains at or below 10 fish.