



## New England Fishery Management Council

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

### MEETING SUMMARY

#### Groundfish Committee

Webinar

December 2, 2022

The Groundfish Committee (Committee) met on December 2, 2022, via webinar to discuss:

1) Framework Adjustment 65/Specification Measures; 2) Atlantic Cod Management; 3) Possible Council 2023 Priorities; and 4) other businesses, as necessary.

**MEETING ATTENDANCE:** Rick Bellavance (Chair), Libby Etrie (Vice Chair), Togue Brawn, Peter Christopher, Melanie Griffin, Megan Ware, John Pappalardo, Mike Pierdinock, Paul Risi, Dan Salerno, Geoff Smith, Wes Townsend, Alan Tracy, and Peter Whelan; Dr. Jamie Cournane, Robin Frede, and Angela Forristall (New England Fishery Management Council (NEFMC) staff); Mitch MacDonald (NOAA General Counsel (GC)); and Frank Blount (Recreational Advisory Panel (RAP) chair).

In addition, 18 members of the public attended. Among them were: Kyle Molton, Liz Sullivan, and Mark Grant (Greater Atlantic Fisheries Regional Office (GARFO)); Greg Ardini and Paul Nitschke (Northeast Fisheries Science Center (NEFSC)); Council Chair Eric Reid; Jackie Odell (Groundfish Advisory Panel (GAP) vice-chair), Hank Soule and Maggie Raymond (GAP members); Kelly Whitmore and Tara Dolan (Massachusetts Division of Marine Fisheries (Mass DMF)); Sefatia Romeo Theken (Deputy Commissioner with Department of Fish and Game for Commonwealth of MA); Allison Lorenc (Conservation Law Foundation); Tracey Bauer (Atlantic States Marine Fisheries Commission (ASMFC)); George Lapointe (Blue Harvest Fisheries); Thomas Testaverde (commercial fisherman); and Tom Nies and Janice Plante (NEFMC staff).

**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; (5c) DRAFT Recreational Advisory Panel Meeting Summary, Dec 1; (5d) DRAFT Groundfish Advisory Panel, Dec. 1; (6) Correspondence

The meeting began at 9:30 am.

#### **KEY OUTCOMES:**

- The Groundfish Committee recommends to the Council as preferred:
  - Alternative 2 Revised Rebuilding Strategy for Gulf of Maine Cod

- Option B. Target of 10 years, rebuilding by 2033, at  $F_{MSY} = 0.121$ , which results in a 62% probability of achieving  $B_{MSY}$ .
- The Groundfish Committee recommends to the Council to select as preferred for Section 4.2.2 – Alternative 2 Revised specifications, retaining the status quo state waters subcomponent for GOM cod of 14% (48mt).
- The Groundfish Committee recommends to the Council to select as preferred for Section 4.2.2 – Alternative 2 Revised specifications, setting SNE/MA winter flounder state waters using a 5-year average of recent catch (FY2017-FY2021).
- The Groundfish Committee recommends to the Council to accept the Groundfish Plan Development Team’s recommendations for Atlantic halibut of 74 mt for the expected Canadian catch, and 15 mt for state waters and 1.1 mt for other sub-components.
- That the Groundfish Committee recommends to the Council to adopt the Groundfish Plan Development Team’s recommendations for the sub-component analysis as modified by the Committee through motions at its November 22 and December 2 meetings.
- The Groundfish Committee recommends to the Council as preferred as under Alternative 2 Revised Specifications:
  - As modified: Option B– Remove the management uncertainty buffer for sectors if the ASM target coverage rate is set at 90% or greater for fishing year 2023
    - Option B1- Gulf of Maine haddock and
    - Option B2- White hake
- Postponed a motion until the December 2022 Council meeting under the Groundfish Committee report:
  - Move to amend that the Committee recommend to the Council: 1) Approve preliminary GOM haddock ABCs of 1,936 mt for 2023, 2,038 mt for 2024 and 2,017 mt for 2025 as recommended by SSC and 2) Request the SSC develop an additional alternative for the 2023-2025 ABCs for GOM haddock up to  $90\%F_{MSY}$  taking into consideration the Council’s Risk Policy and National Standard 1 guidelines for phasing-in changes to ABCs. The Council accepts any revised SSC recommendations without discussion.
- Request the Groundfish Plan Development Team, to the extent feasible and acceptable, bring additional information to inform discussion for the postponed motion on GOM haddock for the December 2022 Council meeting.
- The Groundfish Committee recommends that the Council set the FY2023 ABC for white hake at 1,897 mt per the SSC recommendation in Framework 65. Further, the Groundfish Committee requests the Council requests the SSC consider an alternative ABC for white hake which deviates from the  $70\% F_{MSY}$  rebuilding plan for FY2024 and FY2025 based on  $75\% F_{MSY}$ . The SSC should weigh risks to rebuilding progress as analyzed in Framework 61 along with socio-economic impacts in a multi-species fishery.
- The Groundfish Committee recommends to the Council adding an additional option for consideration for the FY2023 and FY2024 ABCs for Georges Bank cod at 829 mt (mid-way point of Option A1 - 754 mt and Option A2 - 904 mt).
- The Groundfish Committee recommends to the Council as preferred Alternative 2- Revised Specifications for FY2023-FY2025, with exception of white hake, Gulf of Maine haddock, and Georges Bank cod.
- The Groundfish Committee recommends to the Council to select Option 5 “Revised Recreational GB Cod Catch Target Based on a Reduction of Recent Catches” as the preferred alternative.
- The Groundfish Committee moves to recommend to the Council to remove ABC control rules from further consideration in FW65 and identify completion of the multi-year priority to revise Groundfish ABC control rules as the highest priority of the Groundfish Committee, with a modification that it occur through a facilitated process between the SSC, Groundfish PDT, and Groundfish Committee with anticipated work occurring in early 2023.

- That the Groundfish Committee adds an alternative under additional measures to promote stock rebuilding for GB cod based on Idea #2 (PDT memo dated Nov. 30, 2022)
  - Temporary modification to include a performance-based AM for GB cod when an overage is due to vessels fishing outside of the allocated fishery Only for when addressing overages from vessels fishing outside of the allocated fishery and as a temporary measure for fishing years 2022, 2023, and 2024, a performance-based AM would be added, as:
    - Year 1 – An overage occurs due to vessels fishing outside the allocated fishery – this is known in year 2 – for a reduction in year 3.
    - Year 2 – The total ACL is not exceeded by any amount.
    - Year 3 – In-season reduced lb-for-lb payback based on the underage of the total ACL in year 2. All other provisions would remain.
- The Groundfish Committee recommends the Council support a modification in the stock assessment schedule to accommodate a white hake management track update in 2023. The white hake update should follow a Level 3 Enhanced Review to accommodate the recommendations under the 2022 Management Track Peer Review Panel Report and the Scientific and Statistical Committee report dated 11/23/2022.
- The Committee recommends the Council send a letter to NMFS Headquarters and GARFO highlighting the critical concern raised during the 2022 Management Track Assessment Peer Review regarding the impacts that reductions in port sampling for individual lengths and age structures is having on the stock assessment enterprise and requesting that they develop alternative approaches to collecting length at age information, including but not limited to NEFOP observers, At-Sea Monitors, and Dockside Monitors.

***RECREATIONAL ADVISORY PANEL (RAP) AND GROUNDFISH ADVISORY PANEL (GAP) REPORTS, FRANK BLOUNT (RAP CHAIR) AND RICK BELLAVANCE (COMMITTEE CHAIR)***

Mr. Blount (RAP chair) provided a summary of the discussion and motions from the RAP meeting. Mr. Bellavance (Committee chair) provided a summary of the discussion and motions from the GAP meeting. The GAP meeting was chaired by the Groundfish Committee chair because the chair and vice-chair had scheduling conflicts.

***Questions and Comments on the RAP Report:***

A committee member asked for additional rationale on why the RAP felt the recreational management uncertainty buffer should be reduced, stating they have heard the Marine Recreational Information Program (MRIP) data is unreliable for Georges Bank (GB) cod. Mr. Blount stated the RAP has been informed by NOAA that estimates for stocks other than GB cod have improved, and the RAP could have specified that the buffer should potentially remain at 7% for that stock. A committee member asked if the RAP discussed whether the management uncertainty buffer should be removed for the recreational component of the fishery once Amendment 23 (A23) is implemented since it will be removed for the commercial component when the at-sea monitoring (ASM) target is set at 100%. Mr. Blount stated the RAP was against the total removal of management uncertainty buffers for any component of the fishery.

***Questions and Comments on the GAP Report:***

A committee member asked why the GAP rejected the 50%F<sub>MSY</sub> and 75%F<sub>MSY</sub> Gulf of Maine (GOM) cod rebuilding plan options. Mr. Bellavance stated the GAP selected 70%F<sub>MSY</sub> because they deemed it struck the best balance between rebuilding probability and economic impacts to the fishery.

**AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 65/SPECIFICATION MEASURES, DR. COURNEANE (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 Formal Rebuilding Plan for GOM Cod:**

A committee member asked for an explanation on how the biomass target is established. Staff explained the biomass target is determined through the stock assessment process, and the  $F_{MSY}$  or  $F_{MSY}$  proxy is set by the Council. Paul Nitschke (NEFSC) stated  $F_{MSY}$  is based on the  $F_{40\%}$  proxy and biological reference points (BRPs) differ between the two models, but both assume average recruitment will occur in the future. A committee member commented that this is the third rebuilding plan iteration for GOM cod and a more conservative rebuilding plan may be warranted. Another commented it is unlikely recruitment will return to historic average levels. Staff noted the Atlantic cod research track working group will be looking into updating BRPs for new cod management units.

A committee member 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.

**1. MOTION: PIERDINOCK/BRAWN**

That the Groundfish Committee recommends to the Council as preferred:

Alternative 2 Revised Rebuilding Strategy for Gulf of Maine Cod

Option B. Ttarget of 10 years, rebuilding by 2033, at Frebuild of  $70\%F_{MSY} = 0.121$ , which results in a 62% probability of achieving  $B_{MSY}$ .

*Rationale:* Option B is consistent with the RAP motion and GAP discussion. It complies with Magnuson-Stevens Act (MSA) guidelines and balances economic tradeoffs with a greater than 50% rebuilding probability.

**Discussion on the Motion:**

Two committee members commented this is not a strong rebuilding approach for a stock in extremely poor condition. Another stated they hoped this motion would promote stock rebuilding until a new cod stock management regime is implemented. Staff noted the ABCs put into place for FY2023 and FY2024 in FW63 will remain unchanged and the mortality associated with those ABCs is more conservative than the proposed rebuilding plans. The SSC noted this would help to promote stock rebuilding. Staff also noted the peer review of the research track working group's work will likely occur in the Summer of 2023 and the management track will be in 2024.

An advisor noted there was not a large difference in the outcomes between the 70%F<sub>MSY</sub> and 75%F<sub>MSY</sub> rebuilding options, but 50%F<sub>MSY</sub> seemed overly punitive. They stated they would be more comfortable with a rebuilding plan that had a 66% - 75% probability of rebuilding the stock in ten years.

**Public Comment:**

- Allison Lorenc (Conservation Law Foundation (CLF)) opposed the motion and stated the Committee and Council should take a more conservative approach given the uncertainties around cod stock structure. She stated she would support the 50%F<sub>MSY</sub> rebuilding plan option or an option that had a 70% probability of rebuilding the stock in ten years.
- Thomas Testaverde (fisherman) asked if the mortality of GOM cod in lobster gear is factored into the stock assessment. They noted they are seeing smaller and smaller cod getting caught in lobster traps.
  - Staff explained it is not at this time but is a factor being considered by the Atlantic cod research track working group.

Roll call vote:

Yes: Ms. Etrie, Ms. Brawn, Mr. Pierdinock, Mr. Salerno, Mr. Tracy

No: Mr. Smith

Abstain: Mr. Christopher, Ms. Griffin, Ms. Ware, Mr. Pappalardo, Mr. Risi, Mr. Whelan, Mr. Townsend

**MOTION #1 CARRIED 5-1-7.****Questions and Comments on Revised Specifications:****2. MOTION: GRIFFIN/PAPPALARDO**

Move that the Groundfish Committee recommends to the Council to select as preferred for Section 4.2.2 – Alternative 2 Revised specifications, retaining the status quo state waters subcomponent for GOM cod of 14% (48mt).

*Rationale:* The ABC is not changing and there is a commercially important state waters fishery for GOM cod. Recent catch estimates may not be the best projection of ongoing effort and catch given the influence of the pandemic on fishing activity, uncertainty around the 2018 year class, and recent changes in state waters regulation.

**Discussion on the Motion:**

A committee member expressed support for the motion, stating a 14% state waters subcomponent balances the needs of the commercial fishery.

**MOTION #2 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.**

**3. MOTION: GRIFFIN/PAPPALARDO**

Move that the Groundfish Committee recommends to the Council to select as preferred for Section 4.2.2 – Alternative 2 Revised specifications, setting SNE/MA winter flounder state waters using a 5-year average of recent catch (FY2017-FY2021).

*Rationale:* Using a 5-year average better captures the variable state waters catch in recent years.

**Discussion on the Motion:**

A committee member stated scallop, fluke, herring, squid, and whiting catch all fall into the ‘other’ subcomponent category and felt the three-year average seemed to better represent fishing activity than five years. Staff explained that those fisheries are catching SNE/MA winter flounder as bycatch and do not have sub-ACLs, whereas there is active management for state catch.

**MOTION #3 BY CONSENSUS AND WITHOUT OBJECTION.**

**4. MOTION: SALERNO/PAPPALARDO**

Move that the Groundfish Committee recommends to the Council to accept the Groundfish Plan Development Team’s recommendations for Atlantic halibut of 74 mt for the expected Canadian catch, and 15 mt for state waters and 1.1 mt for other sub-components.

*Rationale:* The PDT explored different methods for determining what Canadian catch may be in the coming years to develop the best estimate. The remaining ABC should be sufficient to cover the needs of US fisheries.

**Discussion on the Motion:**

Multiple committee members expressed appreciation for the work the PDT did to coordinate with Canada to determine what the appropriate expectation for Canadian catch should be. Staff noted Canadian catch of Atlantic halibut should be reviewed annually.

**MOTION #4 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.**

**5. MOTION: ETRIE/GRIFFIN**

That the Groundfish Committee recommends to the Council to adopt the Groundfish Plan Development Team’s recommendations for the sub-component analysis as modified by the Committee through motions at its November 22 and December 2 meetings.

**MOTION #5 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.**

**6. MOTION: ETRIE/WARE**

That the Groundfish Committee recommends to the Council as preferred as under Alternative 2 Revised Specifications: As modified:

Option B– Remove the management uncertainty buffer for sectors if the ASM target coverage rate is set at 90% or greater for fishing year 2023

Option B1- Gulf of Maine haddock and

Option B2- White hake

*Rationale:* Removing the management uncertainty buffer for these two stocks if the ASM target is set at 90% will benefit the commercial fishery and is unlikely to negatively impact the stocks. There are concerns that the low ABCs for white hake may constrain the commercial fishery's ability to target other stocks and that a large 2020 GOM haddock year class will enter the fishery before the next management track assessment.

**Discussion on the Motion:**

Peter Christopher (GARFO) stated the ASM coverage target will be set at 80% for the rest of the 2022 fishing year, but the coverage rate for Fishing Year 2023 has not yet been decided and the federal budget outlook and ASM appropriations for fiscal year 2023 are unclear. A committee member asked if there was something specific that occurred and caused the need to drop the coverage target from 99% to 80%. Mr. Christopher stated the coverage target was set before appropriations for congress for fiscal year 2022 were known which necessitated the adjustment to the coverage level but was unsure if there were any changes to administrative costs. Two committee members asked if details on the spend plan, breakdown on where funds come from, and a primer of the appropriations process could be discussed at a future meeting. Mr. Christopher noted the spend plan line items include industry funding, agency administration, training, and administrative overhead. A committee member said 90% and 100% ASM coverage makes little difference to sector managers. Staff noted the analysis done in A23 for removing the management uncertainty buffer when the coverage target is set at 100% would not apply to removing the buffer under a 90% target.

**Public Comment:**

- Maggie Raymond (industry member from Maine) noted removing the buffer will only slightly increase the fish available to the commercial fishery and therefore the stock impacts are likely to be negligible.
- George Lapointe (Blue Harvest Fisheries) expressed support for the motion but noted more will need to be done if the goal is to reduce the impacts of the low white hake ABC.

Roll call vote:

Yes: Ms. Etrie, Ms. Brawn, Ms. Griffin, Ms. Ware, Mr. Pappalardo, Mr. Whelan, Mr. Salerno, Mr. Tracy

No: Mr. Pierdinock, Mr. Smith

Abstain: Mr. Christopher, Mr. Risi, Mr. Townsend

**MOTION #6 CARRIED 8-2-3.**

**7. POSTPONED MOTION FROM NOV 22 MEETING: GRIFFIN/PAPPALARDO**

Move the Committee recommend to the Council:

- 1) Approve preliminary GOM haddock ABCs of 1,936 mt for 2023, 2,038 mt for 2024 and 2,017 mt for 2025 as recommended by SSC and
- 2) Request the SSC develop an additional alternative for the 2023-2025 ABCs for GOM haddock taking into consideration National Standard 1 guidelines for phasing-in changes to ABCs (e.g., not constrained by 75%Fmsy). The Council will accept the temporary risk level associated with a higher ABC up to the OFL. To expedite FW 65 include a range for the GOM haddock ABCs of 1,936-2,515mt (FY2023), 2,038-2,655mt (2024), and 2,017-2,627mt (2025) in FW65.

*Rationale:* GOM haddock is not overfished (SSB in 2021 is 270% of biomass target). National Standard 1 guidelines recognize the negative short-term effects large changes in catch limits can have on a fishing industry and allows for phasing-in changes of ABCs to stabilize catch levels. There is some indication of a strong 2020 year class. To create a bound on the analysis, the OFL was provided as an upper limit, but it is not the intent to fish up to the OFL level (i.e., some buffer should be maintained).

**Discussion on the Motion:**

A committee member asked if this would result in a delay in implementing FW65. Staff noted the need for an additional SSC meeting would cause a delay, and it would be helpful for the Committee to express what  $F_{MSY}$  they are willing to accept to indicate their risk tolerance to the Council. The Committee could say they are willing to accept the SSC recommendation without convening a meeting to reduce the risk of a delay. Another committee member asked if a delay could be avoided if the FY2023 OFL/ABC is approved, but they ask the SSC to do additional analysis for the FY2024 and FY2025 OFLs/ABCs. A committee member observed the recreational fishery catch is well below their sub-ACL, but staff noted the only way to move fish from the recreational to the commercial fishery would be a reallocation which is not within the scope of the action. Another committee member explained recreational catch of GOM haddock is low due to GOM cod avoidance measures.

**7A. MOTION TO AMEND: GRIFFIN/PAPPALARDO**

Move to amend that the Committee recommend to the Council:

- 1) Approve preliminary GOM haddock ABCs of 1,936 mt for 2023, 2,038 mt for 2024 and 2,017 mt for 2025 as recommended by SSC and
- 2) Request the SSC develop an additional alternative for the 2023-2025 ABCs for GOM haddock up to 90% $F_{MSY}$  taking into consideration the Council's Risk Policy and National Standard 1 guidelines for phasing-in changes to ABCs. The Council accepts any revised SSC recommendations without discussion.

**Discussion on the Motion:**

Mitch MacDonald (NOAA GC) raised concerns with the motion, noting the current groundfish ABC control rules do not include a phased-in approach. A committee member stated they were unsure what the Committee is asking the SSC to do. The maker of the motion stated 90% $F_{MSY}$  is meant to indicate the level of risk the Committee and Council are willing to accept. Staff stated the PDT would need to have time to develop the analysis before the SSC met, which would likely result in one month of additional work and potentially delay document preparation by one month. Peter Christopher told the Committee it is difficult to get measures in place by May 1<sup>st</sup> even when the Framework is submitted on time. Liz Sullivan (GARFO) explained if there was a delay, default specifications would be set at 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 ABC would default to zero.

**Public Comment:**

- Jackie Odell (Northeast Seafood Coalition) stated there needs to be a bigger conversation about how to ensure the specification framework is implemented by May 1. She noted there is not enough time for the industry or managers to find solutions on how to address large swings in OFLs and ABCs. She asked if the framework was currently on track to be implemented on time.
  - Staff stated they cannot assess if the framework is already delayed but noted there are still three sections that the Committee has not developed alternatives under.
- Frank Blount (RAP Chair) stated the RAP has concerns when specifications are delayed as it seems like the recreational measures are typically the last thing to be approved.

**7A MOTION TO AMEND CARRIED BY CONSENSUS AND WITH ONE ABSENTION (PETER CHRISTOPHER).****7B. MOTION: ETRIE/WARE**

To postpone Motion 7a (which is now the main motion) to the December 2022 Council meeting under the Groundfish Committee report.

*Rationale:* There may be more industry members present at the December Council meeting who can weigh in on if the benefits of asking the SSC to review the GOM haddock ABC would be worth a delay in the implementation of the framework.

**MOTION #7 CARRIED WITHOUT CONESNSUS AND WITHOUT OBJECTION.**

**8. MOTION: ETRIE/SMITH**

To request the Groundfish Plan Development Team, to the extent feasible and acceptable, bring additional information to inform discussion for the postponed motion on GOM haddock for the December 2022 Council meeting.

**MOTION #8 CARRIED WITHOUT CONESNSUS AND WITHOUT OBJECTION.**

**9. MOTION: WARE/ETRIE**

Move that the Groundfish Committee recommends that the Council set the FY2023 ABC for white hake at 1,897 mt per the SSC recommendation in Framework 65. Further, the Groundfish Committee requests the Council requests the SSC consider an alternative ABC for white hake which deviates from the 70% F(MSY) rebuilding plan for FY2024 and FY2025 based on 75% F(MSY). The SSC should weigh risks to rebuilding progress as analyzed in Framework 61 along with socio-economic impacts in a multi-species fishery.

*Rationale:* FW61 analyzed rebuilding projections for white hake under 70%F<sub>MSY</sub> and 75%F<sub>MSY</sub> and both had a greater than 50% chance of rebuilding the stock in ten years. The 2022 stock assessment indicates the stock is no longer overfished. Low white hake quotas will result in fewer trips, boats tied to the dock, and reduced revenue.

**Discussion on the Motion:**

Committee members expressed support for the motion and noted it allows for work on the framework and FY2023 specifications to continue without causing a delay. Staff clarified that the Council would need to include modifying the white hake rebuilding plan as a priority if they wish to select an F rate not within the bounds of the rebuilding plan for FY2024 and FY2025. Tom Nies (Council Executive Director) stated deviating from the rebuilding plan may be inconsistent with the National Standard Guidelines.

**Public Comment:**

- George Lapointe (Blue Harvest Fisheries) expressed support for the intent of the motion, particularly because it will not appreciably slow work on FW65.

**MOTION #9 CARRIED BY CONSENSUS AND WITH ONE ABSTENTION (PETER CHRISTOPHER).**

**10. MOTION: PIERDINOCK/PAPPALARDO**

Move that the Groundfish Committee recommends to the Council adding an additional option for consideration for the FY2023 and FY2024 ABCs for Georges Bank cod at 829 mt (mid-way point of Option A1 - 754 mt and Option A2 - 904 mt).

*Rationale:* The GAP recommended a 904 mt ABC and the RAP recommended a 754 mt ABC. 829 mt may be an appropriate compromise.

**Discussion on the Motion:**

Peter Christopher noted 829 mt is still above the assessment model recommendation and therefore the concerns raised in the agency's letters pertaining to a 904 mt ABC still apply<sup>1</sup>. The Council will need to provide full justification on how the higher ABC will prevent overfishing and promote rebuilding.

Roll call vote:

Yes: Ms. Etrie, Ms. Brawn, Ms. Griffin, Ms. Ware, Mr. Pappalardo, Mr. Pierdinock, Mr. Risi, Mr. Whelan, Mr. Salerno, Mr. Tracy

No: Mr. Smith

Abstain: Mr. Christopher, Mr. Townsend

**MOTION #10 CARRIED 10-1-2.**

**11. MOTION: ETRIE/SMITH**

The Groundfish Committee recommends to the Council as preferred Alternative 2- Revised Specifications for FY2023-FY2025, with exception of white hake, Gulf of Maine haddock, and Georges Bank cod.

*Rationale:* From the Committee's perspective, the remaining specifications are acceptable.

**MOTION #11 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.**

*Questions and Comments on GB Cod Recreational Catch Target:*

**12. MOTION: WARE/BRAWN**

Move that the Groundfish Committee recommends to the Council to select Option 5 "Revised Recreational GB Cod Catch Target Based on a Reduction of Recent Catches" as the preferred alternative.

*Rationale:* The catch target associated with Option 5 is in between the RAP and GAP recommendations and therefore is the best compromise. If a higher ABC for GB cod is selected, both the commercial and recreational fisheries will benefit.

**Discussion on the Motion:**

One committee member expressed opposition to the motion and stated they prefer Option 4 because it is based on the recent percentage of the US fishery catch and is more in line with year-to-year changes. Three committee members expressed support, noting Option 5 is the most equitable.

Roll call vote:

Yes: Ms. Etrie, Ms. Brawn, Ms. Griffin, Ms. Ware, Mr. Pappalardo, Mr. Salerno, Mr. Smith, Mr. Tracy,

No: Mr. Pierdinock, Mr. Risi

Abstain: Mr. Christopher, Mr. Townsend

**MOTION #12 CARRIED 9-2-2.**

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<sup>1</sup> See page 36: [https://s3.us-east-1.amazonaws.com/nefmc.org/7\\_220522-GF\\_Council\\_Correspondence\\_2022-11-29-154133\\_fadn.pdf](https://s3.us-east-1.amazonaws.com/nefmc.org/7_220522-GF_Council_Correspondence_2022-11-29-154133_fadn.pdf)

Questions and Comments on Revisions to ABC Control Rules:

**13. MOTION: ETRIE/SALERNO**

That the Groundfish Committee moves to recommend to the Council to remove ABC control rules from further consideration in FW65 and identify completion of the multi-year priority to revise Groundfish ABC control rules as the highest priority of the Groundfish Committee, with a modification that it occur through a facilitated process between the SSC, Groundfish PDT, and Groundfish Committee with anticipated work occurring in early 2023.

*Rationale:* This fishery continues to be hampered by control rules that do not account for the various challenges that impact our decision making (i.e. revised perceptions of stock productivity, substantial changes in perceived stock size, environmental drivers, and socioeconomic factors). It is critical that more meaningful progress on this work is completed prior to the fall assessment process. The importance of this work was even identified by the SSC in their 11/23/2022 memo to the Council. By ranking this as the highest priority and modifying it to include a facilitated process that includes those bodies with practical experiences implementing our current control rules, the Committee and Council will be able to move this priority forward in an expedited, informed and transparent process that better positions this fishery for the Council's next round of decision making from the 2023 assessment process. By ranking this item as the highest priority, other items that are important to this fishery may be delayed but in light of the continuing challenges with ABC control rules most recently seen with GOM haddock and white hake, this fishery can no longer wait on this priority to be completed.

**Discussion on the Motion:**

Multiple committee members expressed support and noted they were not in a position to weigh in on revisions to the ABC control rules at this time. They noted there are issues with the current control rules and revisions should be explored in a future action. A committee member asked what was meant by 'highest priority' and the maker stated this would be the main priority excluding any that are regulatory requirements. The maker clarified a 'facilitated process' was meant to indicate there would be an external individual facilitating workshop-style meetings that focus on how to improve the control rules.

**MOTION #13 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.**

Questions and Comments on Additional Measures to Promote Stock Rebuilding of GOM cod and GB cod:

**14. MOTION: SALARNO/ETRIE**

That the Groundfish Committee adds an alternative under additional measures to promote stock rebuilding for GB cod based on Idea #2 (PDT memo dated Nov. 30, 2022)

Temporary modification to include a performance-based AM for GB cod when an overage is due to vessels fishing outside of the allocated fishery

Only for when addressing overages from vessels fishing outside of the allocated fishery and as a temporary measure for fishing years 2022, 2023, and 2024, a performance-based AM would be added, as:

- Year 1 – An overage occurs due to vessels fishing outside the allocated fishery – this is known in year 2 – for a reduction in year 3.
- Year 2 – The total ACL is not exceeded by any amount.
- Year 3 – In-season reduced lb-for-lb payback based on the underage of the total ACL in year 2.

All other provisions would remain.

*Rationale:* There are concerns catch in components of the fishery that do not have accountability measures will negatively impact the commercial fishery. If there is no overage in year 2, the negative impacts of the pound-for-pound payback will be reduced.

**Discussion on the Motion:**

Multiple committee members expressed concern that there is not time to properly analyze the impacts of adjusting accountability measures before the Council meeting. Mitch MacDonald (NOAA GC) stated it is unclear how the motion would fit the objective of promoting the rebuilding of the GB cod stock because it is changing accountability measures that are designed to address the operational and biological effects of an overage.

**Roll Call:**

Yes: Ms. Etrie, Ms. Ware, Mr. Whelan, Mr. Salerno

Abstain: Ms. Brawn, Mr. Christopher, Ms. Griffin, Mr. Pappalardo, Mr. Pierdinock, Mr. Risi, Mr. Smith, Mr. Townsend, Mr. Tracy

**MOTION #14 CARRIED 4-0-9.**

Committee members stated they had no alternatives to bring forward under *Additional Measures to Promote Stock Rebuilding of GOM cod*.

**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 and summarized the Committee's previous recommendation on 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. The PDT is working on developing an outline, but the work is currently on hold until data becomes available.

**Questions and Comments on the Presentation:**

A committee member asked when data will become available. Tom Nies (Council Executive Director) stated the Council sent a letter asking about data delays to the agency. The Committee member asked if the data delays are a result of the work taking longer than anticipated or because data compilation did not start on time. They expressed frustration and noted the results of the research track and management track assessments will have large impacts on the fishery. Staff explained the delays are a result of a number of factors including the workload considerations and difficulties dividing catch information from the current two management units into five units.

**AGENDA ITEM #3: POSSIBLE COUNCIL 2023 PRIORITIES, DR. Cournane (NEFMC Staff)**

Council staff shared the list of 2022 Council Priorities and additions recommended by the GAP and RAP

**AGENDA ITEM #4: OTHER BUSINESS**

**15. MOTION: ETRIE/SMITH**

The Groundfish Committee recommends the Council support a modification in the stock assessment schedule to accommodate a white hake management track update in 2023. The white hake update should follow a Level 3 Enhanced Review to accommodate the recommendations

under the 2022 Management Track Peer Review Panel Report and the Scientific and Statistical Committee report dated 11/23/2022.

*Rationale:* The 2022 Peer Review report includes recommendations under item #6 for white hake<sup>2</sup> that need to be considered for white hake in 2023. Some of these items were also discussed by the SSC, notably that the reference points and rebuilding projections are not aligned. The fishery is encountering a level of availability and abundance of white hake consistently while targeting other stocks. This availability does not seem consistent with the ASAP model outputs and present catch recommendations. For the last two years, roughly 97% of the sector sub-ACL has been harvested. The catch of white hake is critical to the catch of many other target stocks (e.g. pollock, redfish, monkfish) in the Gulf of Maine and the availability to lease white hake is limited. Like other management track updates in 2023, the white hake assessment suffers from 2020 missing survey data and the reduction in port sampling that is critical to biological information for an ASAP assessment model. Catch-at-age information is known to be not well characterized for this specific stock. Even with retrospective adjustments made to the model results, the latest assessment concludes the stock is at 69% of its biomass target.

**Discussion on the Motion:**

Committee members cited differences in the stock assessment results and observations on the water and the different rebuilding projections based on the recruitment stanza used as reasons to have an expedited assessment of white hake. Tom Nies (Council Executive Director) noted it is the Northeast Region Coordinating Council (NRCC) that sets the stock assessment schedule, not the Council. He also stated coverage of the fall bottom trawl survey in Georges Bank and the Gulf of Maine was incomplete<sup>3</sup> so an updated white hake assessment may not be helpful since those are the areas where they are primarily caught.

**MOTION #15 CARRIED BY CONSENSUS AND WITH ONE ABSTENTION (PETER CHRISTOPHER).**

**16. MOTION: SMITH/ETRIE**

The Committee recommends the Council send a letter to NMFS Headquarters and GARFO highlighting the critical concern raised during the 2022 Management Track Assessment Peer Review regarding the impacts that reductions in port sampling for individual lengths and age structures is having on the stock assessment enterprise and requesting that they develop alternative approaches to collecting length at age information, including but not limited to NEFOP observers, At-Sea Monitors, and Dockside Monitors.

*Rationale:* Stock assessments will continue to have high levels of uncertainty if there is insufficient length and age information.

**Discussion on the Motion:**

Tom Nies (Council Executive Director) stated the letter would be addressed to Headquarters, but GARFO and the Science Center would receive a copy. He noted GARFO and the Science Center are aware of the problems.

**MOTION #16 CARRIED BY CONSENSUS AND WITH ONE ABSTENTION (PETER CHRISTOPHER).**

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<sup>2</sup> See page 18: [https://s3.us-east-1.amazonaws.com/nefmc.org/3B\\_Combined-Stock-Assessments.pdf](https://s3.us-east-1.amazonaws.com/nefmc.org/3B_Combined-Stock-Assessments.pdf)

<sup>3</sup> <https://www.fisheries.noaa.gov/feature-story/2022-fall-bottom-trawl-survey-completed-northeast>

The Committee meeting adjourned at approximately 4:35 p.m.