



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

DRAFT MEETING SUMMARY

Groundfish Committee

Webinar

November 22, 2022

The Groundfish Committee (Committee) met on November 22, 2022, via webinar to discuss: 1) Recommendations from the Groundfish Advisory Panel, Recreational Advisory Panel, and Groundfish Plan Development Team; 2) Framework Adjustment 65/Specifications and Management Measures; 3) Atlantic Cod Management; 4) Possible 2023 Council Priorities; and 5) other businesses, as necessary.

NOTE: Due to timing constraints, the Committee was unable to discuss the final two items on the agenda: *Atlantic Cod Management* and *Possible 2023 Council Priorities*, which will be discussed at their next meeting on December 2.

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)); Frank Blount (Recreational Advisory Panel (RAP) chair); and Ben Martens (Groundfish Advisory Panel (GAP) chair).

In addition, 25 members of the public attended. Among them were: Dan Cales, Emily Gilbert, Mark Grant, Kyle Molton, Liz Sullivan, and Samantha Tolken (Greater Atlantic Fisheries Regional Office (GARFO)); Greg Ardini, Matt Cutler, and Paul Nitschke (Northeast Fisheries Science Center (NEFSC)); Jackie Odell (Groundfish Advisory Panel (GAP) vice-chair), Hank Soule and Maggie Raymond (GAP members); Sefatia Romeo Theken (Deputy Commissioner with Department of Fish and Game for Commonwealth of MA); Allison Lorenc and Gareth Lawson (Conservation Law Foundation); Tracey Bauer (Atlantic States Marine Fisheries Commission (ASMFC)); Council Chair Eric Reid; and Tom Nies, Chris Kellogg 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)** Framework Adjustment 65 Draft Alternatives Outline; **3b)** 2022 Assessments for 14 Groundfish Stocks and Peer Review Report; **3ci)** Memo from Groundfish PDT to SSC re witch flounder, ocean pout, and wolffish; **3cii)** Memo from PDT to SSC re possible OFLs and ABCs for seven groundfish stocks; **3ciii)** Memo from PDT to SSC re possible OFLs and ABCs for three groundfish stocks; **3civ)** Memo from Council Staff to Groundfish Committee re draft alternatives for FW65; **3cv)** Memo from PDT to Groundfish Committee re EGB haddock; **3cvi)** Memo for PDT to Groundfish Committee re GB haddock and MWT sub-ACL; **3cvii)** Memo from PDT to Groundfish Committee re GB cod recreational catch target options; **3cviii)** Memo from PDT to Groundfish Committee re sub-component analysis Risk Policy Matrix (Combined File 1-14); **4)** The Council's Risk Policy Road Map and Risk Policy Matrices for 13 Groundfish Stocks; **5)** FY2021 Year-End Multispecies (Groundfish) Catch Report,

GARFO; **5a)** Groundfish Advisory Panel Meeting Summary, Aug. 31, 2022; **5b)** Recreational Advisory Panel Meeting Summary, Aug. 31, 2022; **5c)** Groundfish Committee Meeting Summary, Sept. 15, 2022; **5d)** Council Meeting, motions, Sept 26-29, 2022; **5e)** Groundfish Advisory Panel Draft Meeting Summary, Nov. 8, 2022; **5f)** Recreational Advisory Panel Draft Meeting Summary, Nov. 14, 2022; **6)** Updated catch and effort for cod and haddock, NEFSC; **7)** Correspondence

The meeting began at 9:30 am.

KEY OUTCOMES:

- To amend to include Options 2b, 3, 4, and 5 (from the Groundfish PDT memo dated, Nov 18, 2022) for consideration and analysis in the Georges Bank recreational catch target.
 - Option 2b - 92 mt for FY2023-FY2024
 - The 3-year (CY2019-CY2021) average of recreational catch (233 mt), reduced by the percent change between FY2021 US ABC to the proposed FY2023 US ABC (40%) results in a GB cod recreational catch target of 92 mt.
 - Option 3 – 159 mt for FY2023-FY2024
 - The 3-year (CY2019-CY2021) average percentage of recreational catches relative to US fisheries total catches (30.7%) applied to the proposed FY2023 US ABC (519 mt) results in a GB cod recreational catch target of 159 mt.
 - Option 4 – 113 mt for FY2023-FY2024
 - The FY2022 catch target (75 mt) adjusted based on the change in the proposed US ABC from FY2022 to FY2023 (151%) results in a GB cod recreational catch target of 113 mt.
 - Option 5 – 75 mt for FY2023-FY2024
 - Status quo (FW63 preferred alternative)
- That the Committee recommends that Framework 65 include 754 mt as an alternative for the Georges Bank cod ABCs for FY2023 and FY2024.
- To use for the Canadian catch estimate for EGB haddock, Option 2 (Groundfish PDT memo, dated Nov 17, 2022)
 - The quota Canada would set on its own: 2,320 mt (under a shared TAC between US/CA of 4,000 mt)
- To set the EGB haddock TAC for the US as Option 2a (Groundfish PDT memo, dated Nov 17, 2022).
 - The quota the US would set under its highest TAC proposal with the allocation shares applied: 2a. 1,520 mt (under a shared TAC between US/CA of 3,619 mt, highest proposal)
- Move to maintain the mid-water trawl herring fishery sub-ACL for Georges Bank haddock at 2% of the US ABC reduced by a 7% management uncertainty buffer.
- To recommend continuing to use 90% of Scallop PDT's bycatch estimate as the method to set the SNE/MA yellowtail flounder sub-ACL for the scallop fishery.
- For the sub-component analysis, to set the Gulf of Maine haddock at:
 - 3.5% for state waters
 - 0.5% for other fisheries
- A motion was postponed until the December 8th Groundfish Committee meeting:
 - Move the Committee recommend 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.

AGENDA ITEM #1: Recommendations from the Groundfish Advisory Panel, Recreational Advisory Panel, and Groundfish Plan Development Team

Frank Blount (Recreational Advisory Panel (RAP) Chair) provided a summary of the discussions and motions made at the previous RAP meeting. Ben Martens provided a summary of the discussions and motions made at the Groundfish Advisory Panel (GAP meeting).

Questions and Comments on the Recreational Advisory Panel Presentation:

A committee member had skepticism about the high Georges Bank (GB) cod catch in New York and New Jersey from May-August since cod are a cold-water species. Mr. Blount acknowledged it is strange and stated the RAP often disagrees with the catch data for the Georges Bank area. He also noted the data indicates 100% of the cod caught in Rhode Island are released. Mr. Blount referenced the RAP's reaffirmation of a potential 2023 priority to evaluate uncertainty in GB cod catch.

An advisor asked if recreational catch estimates exist for white hake. Staff stated white hake recreational catch is not included in the stock assessment but could be added under a level 3 assessment. Staff acknowledged they are unsure what MRIP data suggests white hake catch is.

An advisor asked if haddock catches in the GOM are anticipated to stay at their recent lower levels. Mr. Blount noted the decline was mostly due to a lack of participation. Staff noted estimates are preliminary and additional logbook and wave 5 (September–October) data still needs to be included, but estimates are not expected to substantially change.

Questions and Comments on the Groundfish Advisory Panel Presentation:

An advisory asked for clarification on the GAP motion to consider eliminating the management uncertainty buffer for haddock and white hake and asked what the impact of that would be if the management uncertainty buffer was eliminated under Amendment 23 (A23). Staff noted under A23, there would be an annual review of what the buffer should be depending on the level of observer coverage and they view the removal under this motion as permanent. Another advisor asked if there were any additional discussions on how to reduce the impact of low white hake quota, referencing the concerns about white hake specifications occurring on a three-year cycle. Mr. Martens noted there have been additional conversations since the GAP meeting both by fishermen and by scientific bodies, and fishermen are extremely concerned that what they are seeing as far as how much and where white hake are is very different than what the stock assessment is saying.

An advisor asked if the motion regarding port sampling and length-at-age sampling stemmed from issues with a lack of otoliths being collected or a delay in aging otoliths already collected. They noted portside sampling is a requirement of the Maximized Retention Electronic Monitoring (MREM) program and wondered if this could be an opportunity to increase otolith collection. Staff noted it is a combination of a few issues, one of them being a reduction in port sampling and uncertainty of what the future of the program will look like. Another is a backlog of aging otoliths and the Council has submitted letters to the Northeast Fishery Science Center (NEFSC) regarding this. Paul Nitschke (NESFS) explained there has been an almost 50% reduction in funding for the program. A committee member emphasized the cost of portside sampling should not fall on industry members.

AGENDA ITEM #2: Framework Adjustment 65/Specifications and Management Measures, Dr. Courname, Ms. Frede, and Ms. Forristall (NEFMC Staff)

Council staff provided an overview of 2022 Council groundfish activities by quarter. They noted the final action for Framework 65 (FW65) is scheduled to occur at the December Council meeting.

Staff provided a summary of the following FW65 alternatives and solicited the Committee's feedback on how to proceed:

- The Groundfish Plan Development Team's (PDT's) work on updating the rebuilding plan for GOM cod and the SSCs feedback on projections, timeline, and how to reconcile that cod stock structure might change
- Pete Christopher (GARFO) shared the agency's letter regarding concerns with the SSC's 2023-2025 OFL and ABC recommendations for GB cod¹
- *GB cod* OFL/ABC Scientific and Statistical Committee (SSC) recommendations (preliminary) and preliminary options for determining what the 2023 recreational catch target should be
- *GB haddock* OFL/ABC SSC recommendations (preliminary), a summary of how the ABC is divided between subcomponents and the commercial fishery, and memos from the PDT on what the US share of Eastern GB (EGB) haddock should be and the sub-ACL for the midwater trawl Atlantic herring fishery
- *GOM haddock* OFL/ABC SSC recommendations (preliminary), a summary of how the ABC is divided between subcomponents and the commercial fishery, and a motion by the GAP to consider alternative specifications for FY2023-FY2025
- *Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder* OFL/ABC SSC recommendations (preliminary) and the PDT's recommendation to set the Atlantic scallop sub-ACL at 90% of the projected catch (the same method that has been used in the past)
- *White hake* OFL/ABC SSC recommendations (preliminary), updated rebuilding projections, and a motion by the GAP to consider alternative specifications for FY2023-2025
- *Atlantic halibut* OFL/ABC SSC recommendations (preliminary) and the accountability measures (AMs) in place if the halibut ABC is exceeded
- *Sub-component analysis* conducted by the PDT to determine what percentage of the ABC other fisheries ('state' and 'other' subcomponents) are predicted to catch, including an initial discussion on if the Canadian fishery catch of Atlantic halibut is expected to remain high
- *Revisions to the Annual Biological Catch (ABC) control rules*
- *Additional measures to promote rebuilding of GOM cod and GB cod* and a reminder that the GB recreational catch target has likely been exceeded but the commercial fishery catch is below the sub-ACL for FY2022

Questions and Comments on the Presentation:

Gulf of Maine Cod Rebuilding

An advisor asked how work would proceed if the Committee did not make any recommendations today. Staff noted rebuilding plan requirements mandate projections at zero fishing ($f=0$) must be conducted and noted rebuilding plans recently have been setting $F < 75\%F_{MSY}$. The PDT would likely run projections between $50\%F_{MSY}$ and $70\%F_{MSY}$ but is looking for feedback on what options of $\%F_{MSY}$ to use.

¹ See page 36 of Correspondence: https://s3.us-east-1.amazonaws.com/nefmc.org/7_221122-GF_CTE_Correspondence.pdf

An advisor asked what $\%F_{MSY}$ is used in the current rebuilding strategy. Paul Nitschke (NEFSC) noted the current rebuilding plan uses a different approach and using $75\%F_{MSY}$ would result in an increase in fishing mortality (f). He explained in the past rebuilding plans were developed by looking at the percent probability of achieving a rebuilding target but now rebuilding plans are developed by evaluating different f rates and determining the probability of rebuilding associated with those rates. This approach has been reviewed by the National Academy of Sciences and SSC. In general, if a lower $\%F_{MSY}$ is used there is a higher probability of rebuilding.

An advisor asked what the current rebuilding target was and expressed frustration that targets are usually based on past scenarios that do not exist anymore due to the changing ocean environment. Mr. Nitschke stated projections are based on biological reference points (BRPs) set and updated through the stock assessment process and noted long-term projections must not be over-interpreted because these projections assume average past recruitment will continue into the future. He noted projections should simply be compared to each other on a relative basis. Staff explained the Atlantic Cod Research Track Working Group is looking at the BRP assumptions and it is possible a new set of reference points will be developed for each cod stock under a new cod stock structure.

PUBLIC COMMENT

- Allison Lorenc (Conservation Law Foundation (CLF)) asked how a 551mt ABC will end overfishing since it has not done so to date. Staff explained it is currently the middle of FY2022 and the ABC was set at 551mt for this fishing year. The SSC recommended 551 mt for FY2022-FY2024 as a constant for 3 years as it would reduce the likelihood of overfishing and is below the OFL. Staff noted a constant ABC provides an additional buffer between the OFL and ABC in future years and further reduces the likelihood of overfishing.

1. MOTION: SALERNO/ETRIE

Move to include options for Gulf of Maine cod rebuilding at $50\%F_{MSY}$, $70\%F_{MSY}$, and $75\%F_{MSY}$ and include feedback from the Scientific and Statistical Committee (e.g., 10 year rebuilding strategy and using the current ABCs for FY2022-FY2024).

Rationale: GARFO submitted a letter to the Council that GOM cod has not been rebuilding adequately and an updated rebuilding plan is required. These options will allow the PDT to develop alternatives for the Committee and Council to analyze.

Discussion on the Motion:

A committee member expressed concern about the PDT's workload in the next month and wondered if there is enough time to analyze all three options. Staff explained the projections have already been done and now the PDT will put that information into a summary. Staff acknowledged the results for $70\%F_{MSY}$ and $75\%F_{MSY}$ are similar and so the impacts analysis will be more straightforward.

Public Comment:

- Allison Lorenc (CLF) asked if the PDT will also analyze $f=0$ (no fishing) and stated CLF opposes the motion because of the use of the current ABCs. She noted the current ABCs will reduce but not end overfishing and the Magnuson-Stevens Act (MSA) dictates rebuilding plans must end overfishing. Staff noted analyzing $f=0$ is a requirement of the rebuilding plan analysis and will be included.

Roll call vote:

Yes: Ms. Etrie, Ms. Brawn, Mr. Christopher, Ms. Griffin, Ms. Ware, Mr. Pappalardo, Mr. Pierdinock, Mr. Risi, Mr. Whelan, Mr. Salerno, Mr. Townsend, Mr. Tracy
No: Mr. Smith

MOTION #1 CARRIED 12-1-0.

Georges Bank Cod: Letter from GARFO regarding FY2023-2024 ABCs

A committee member noted the letter states the SSC has not provided an adequate explanation for how a 904mt ABC will promote rebuilding and asked how the SSC could make any additional justification since it is an empirical assessment. Peter Christopher (GARFO) noted the recommendation from the PlanBSmooth assessment was 754mt and there needs to be a thorough justification for going above the assessment advice. Mr. Christopher acknowledged there is not a lot of information that goes into the empirical assessment but noted the performance of the approach has been looked at by the Index-Based Method Working Group and the working group concluded the empirical assessments tend to perform well if the catch advice is followed.

A committee member asked if GARFO has sent a letter questioning an SSC recommendation in the past and stated the agency seemed fixated on the number. Mr. Christopher stated he was unsure if a similar letter had been sent before and explained it is possible the higher number could be warranted but the SSC needs to provide a full justification. He noted this also applies to instances when the SSC recommends a number that is lower than what an assessment result recommends.

A committee member clarified the 904 mt recommendation came from the SSC Minority Report² in 2021 which recommended a three-year ramped-down approach to lower the GB cod ABC to reduce impacts on the fishery, and 904mt was the recommended ABC for year 2 (FY2023). They also asked if anything from the assessments or surveys indicates the population is rebounding. Staff stated their understanding is correct, and last year the Council decided to only implement GB cod ABCs for one year (FY2022). Staff stated the PDT developed a memo³ containing updated information for the SSC to review when considering OFLs/ABCs for FY2023-FY2024 and recent surveys indicate a minor increase in abundance but the assessment has not been updated. The committee member noted they have not seen any information at this point to justify going above the assessment recommendation.

A committee member stated the SSC discussed concerns with missing surveys and the instability of the commercial fishery due to large swings in the cod stock and this information should be included in the rationale for a 904 mt ABC. They stated the trawl survey should not be the only source of information considered.

PUBLIC COMMENT

- Jackie Odell (Northeast Seafood Coalition (NESC)) stated survey areas are just a fraction of the stock area and updated catch information shows catch remains high outside of the areas considered by the assessment. She stated a well-developed motion was made last year that specified what the SSC would look at when considering revised FY2023-2024 ABCs but was unsure the fate of the final motion. She expressed frustration that the agency sent their letter in November two weeks before final action on the framework is scheduled to take place and long after the August SSC meeting.

² See page 8: https://s3.us-east-1.amazonaws.com/nefmc.org/1_220328_Groundfish_FW63_Appendix_I_SSC_Reports.pdf

³ https://s3.us-east-1.amazonaws.com/nefmc.org/13_220818_GF_PDT-memo_to_SSC_re_Additional_Information_on-GB_Cod_with_Appendices.pdf

- Staff explained the Committee motion referenced was not the final motion that passed at the Council. The Council motion only addressed setting specifications for one year⁴. Staff stated when the Terms of Reference (TORs) were developed for the SSC meeting staff listened to the Council meeting audio and discussion to ensure everything was captured.
- Allison Lorenc (CLF) expressed appreciation for the agency's precaution regarding an increased ABC and quoted the final paragraph of the SSC Minority Report⁵.

Georges Bank Cod: Recreational Catch Target

A committee member asked how the preliminary numbers would change if the ABC were set at 754mt instead of 904mt. Staff explained the same methods for calculating the catch target would be followed but with updated numbers. Staff noted this would only impact the options that use updated three-year averages (Option 2a and Option 2b) or a change in the ABC from one year to the next (Option 4). Option 4 would no longer be relevant because there would be no change in the ABC.

Staff clarified that the numbers include the updated MRIP numbers.

2. MOTION: ETRIE/SALERNO

To include Options 2b, 4, and 5 (from the Groundfish PDT memo dated, Nov 18, 2022) for consideration and analysis in the Georges Bank recreational catch target.

- *Option 2b* - 92 mt for FY2023-FY2024
 - The 3-year (CY2019-CY2021) average of recreational catch (233 mt), reduced by the percent change between FY2021 US ABC to the proposed FY2023 US ABC (40%) results in a GB cod recreational catch target of 92 mt.
- *Option 4* - 113 mt for FY2023-FY2024
 - The FY2022 catch target (75 mt) adjusted based on the change in the proposed US ABC from FY2022 to FY2023 (151%) results in a GB cod recreational catch target of 113 mt.
- *Option 5* - 75 mt for FY2023-FY2024
 - Status quo (FW63 preferred alternative)

Rationale: These options provide the PDT with a streamlined list to focus their analysis on. Option 2b is linked to the same process that was used for the current catch target. Option 4 will adjust according to the new ABC. Option 5 is the status quo and is important to consider. Consistency in the options analyzed is important.

Discussion on the Motion:

A committee member expressed concern with Option 4 because they felt there was no basis behind a 75mt catch target. They felt Option 3 should also be included.

2a. MOTION: PIERDINOCK/GRIFFIN

To amend to include Options 2b, 3, 4, and 5 (from the Groundfish PDT memo dated, Nov 18, 2022) for consideration and analysis in the Georges Bank recreational catch target.

- *Option 2b* - 92 mt for FY2023-FY2024
 - The 3-year (CY2019-CY2021) average of recreational catch (233 mt), reduced by the percent change between FY2021 US ABC to the proposed FY2023 US ABC (40%) results in a GB cod recreational catch target of 92 mt.
- *Option 3* - 159 mt for FY2023-FY2024

⁴ See motion 3d, page 5: <https://s3.us-east-1.amazonaws.com/nefmc.org/Motions-DEC-2021-for-Council-final.pdf>

⁵ Page 10: https://s3.us-east-1.amazonaws.com/nefmc.org/SSC-Report-Aug-25_22-mtg-Memo-09_02_22.pdf

- The 3-year (CY2019-CY2021) average percentage of recreational catches relative to US fisheries total catches (30.7%) applied to the proposed FY2023 US ABC (519 mt) results in a GB cod recreational catch target of 159 mt.
- *Option 4* – 113 mt for FY2023-FY2024
 - The FY2022 catch target (75 mt) adjusted based on the change in the proposed US ABC from FY2022 to FY2023 (151%) results in a GB cod recreational catch target of 113 mt.
- *Option 5* – 75 mt for FY2023-FY2024
 - Status quo (FW63 preferred alternative)

Rationale: Option 3 provides an additional option to consider that addresses the percentage of recreational catch utilized. The 75mt used in Option 4 is completely random, but it has been included for completeness and comparison purposes.

Discussion on the Motion:

Multiple committee members noted Option 3 treats the recreational fishery differently, and the commercial fishery has been constrained by US ABCs whereas the recreational fishery receives a catch target. One stated increases and decreases in ABCs are more equitably distributed under the other options.

One committee member felt Option 3 should be included for analysis purposes but expressed appreciation for the concerns and emphasized they should be carried forward into final action deliberations. Another stated the catch target could be set based on what the recreational fishery is expected to catch or it could be set lower but then that increases the risk of an overage and a pound-for-pound payback being put on the commercial fishery.

A committee member stated recreational management measures encourage the recreational fishery to hit its target. They noted there is no rollover provision, so if they do not hit that target there are fish left on the table that could have been utilized by the commercial fishery if the target had been set lower.

Public Comment:

- Jackie Odell (NESC) stated the three-year average approach is flawed and acknowledged a discussion on a recreational fishery allocation has been prioritized. She stated the recreational fishery is not subject to the same level of monitoring, reporting, and accountability as the commercial fishery.

Roll call vote:

Yes: Ms. Brawn, Mr. Christopher, Ms. Griffin, Mr. Pappalardo, Mr. Pierdinock, Mr. Risi, Mr. Whelan, Mr. Smith

No: Ms. Etrie, Ms. Ware, Mr. Salerno, Mr. Tracy

Abstain: Mr. Townsend

MOTION TO AMEND CARRIED 8-4-1.

Roll call vote:

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

MOTION 2B AS THE MAIN MOTION CARRIED 13-0-0.

3. **MOTION: CHRISTOPHER/SMITH**

That the Committee recommends that Framework 65 include 754 mt as an alternative for the Georges Bank cod ABCs for FY2023 and FY2024.

Rationale: If the Council cannot provide sufficient support for the recommended 904 mt Georges Bank cod ABC, it will need a fall-back ABC to ensure that the default allocations do not stay in place for the first six months of the 2023 fishing year and then drop to zero. Lacking a new allocation for 2023 (and beyond) through Framework 65, the allocation will be 75% of this year's allocation for six months starting May 1, 2023, then will default to zero on November 1, 2023. Both the 75% default and zero will be far more disruptive to the fishery than implementing a 754-mt ABC if the 904-mt ABC cannot be supported or approved. A 754-mt ABC is consistent with the PlanBSmooth advice and the acceptance of PlanBSmooth as providing advice that is expected to prevent overfishing and help the stock rebuild over time.

Discussion on the Motion:

A committee member stated they will be abstaining since they have not had time to fully process the letter. They highlighted conversations about GB cod continue to occur but work by the Atlantic Cod Research Track Working Group indicates the GB cod stock area is different from what it is currently thought to be.

Mr. Christopher clarified default specifications can apply to other stocks, but if the agency approves all the specifications in Framework 65 except for GB cod, it would be the only stock subject to default specifications and then an ABC of 0mt after six months if no backstop is in place.

PUBLIC COMMENT:

- Jackie Odell (NESC) noted it was stated last year that the Council must take final action in December for specifications to be approved by May 1st, but there was still a delay and specifications were not in place until July. She asked what would happen to the other stocks (besides GB cod) if specifications are not in place May 1st. Mr. Christopher stated many specifications would be under default measures until FW65 is implemented or default specifications expire.

Roll call vote:

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

Abstain: Ms. Etrie, Mr. Townsend

MOTION #3 CARRIED 11-0-2.

Georges Bank Haddock: US Portion of the EGB Haddock TAC

Libby Etrie (TMGC co-chair) noted the Transboundary Management Guidance Committee (TMGC) was unable to reach an agreement on the overall EGB total allowable catch (TAC). She noted Canada continues to state they are proposing a domestic TAC of 2,320mt.

A committee member asked if there would still be a pound-for-pound payback if there is no agreement but an overage occurs. Staff noted the US would be operating under the US ABC and be bound to that. In the case where there is no agreement, it is unlikely there would be a pound-for-pound payback triggered. Ms. Etrie noted there is also a shared TAC of EGB cod and Canada needs cod to target haddock.

A committee member asked why the Canadians are being aggressive with their recommendation and if they have different benchmarks and survey data. Ms. Etrie explained Canada has a robust directed haddock fishery that is important to their overall domestic production. She explained there were high and low mortality (high M and low M) scenarios presented. Within the TMGC there is the EGB model and then the US also has the Woods Hole Assessment Model (WHAM). The US proposal followed a more cautious approach.

4. MOTION: ETRIE/PAPPALARADO

To use for the Canadian catch estimate for EGB haddock, Option 2 (Groundfish PDT memo, dated Nov 17, 2022)

- The quota Canada would set on its own:
 - 2,320 mt (under a shared TAC between US/CA of 4,000 mt)

Rationale: Canada has indicated they will be using 2,320mt as their domestic TAC. Establishing the Canadian portion of the EGB TAC at this level incorporates the appropriate level of precaution.

MOTION #4 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

5. MOTION: ETRIE/SALERNO

To set the EGB haddock TAC for the US as Option 2a (Groundfish PDT memo, dated Nov 17, 2022).

- The quota the US would set under its highest TAC proposal with the allocation shares applied:
 - 2a. 1,520 mt (under a shared TAC between US/CA of 3,619 mt, highest proposal)

Rationale: 1,520 mt provides the greatest flexibility to the US fisheries. It would continue to allow quota to be moved from the Eastern area to the Western area and setting the TAC too low could unnecessarily restrict the US fisheries.

Discussion on the Motion:

A committee member wondered what size of haddock are caught in midwater trawl gear and if a larger GB haddock year class would impact the number of haddock caught.

MOTION #5 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

6. MOTION: WARE/ETRIE

Move to maintain the mid-water trawl herring fishery sub-ACL for Georges Bank haddock at 2% of the US ABC reduced by a 7% management uncertainty buffer.

Rationale: The 2% buffer enables the Atlantic herring fishery with the greatest opportunity. In-season measures provide protection to GB haddock if the catch cap is reached.

MOTION #6 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

Gulf of Maine Haddock

A committee member asked for an update on the progress of FW65 before the Committee considers motions on GOM haddock. Staff noted it has been difficult for the PDT complete its work given data and assessment delays this year. A streamlined version of the framework is anticipated to be ready in time for

December Council meeting – including the draft alternative and biological and economic impacts analysis. Many of the PDT memos will be reformatted and incorporated into the impacts analysis for the framework. Staff stated it is difficult to predict how long document preparation will take without knowing what else the Committee plans to recommend from the Council with respect to specifications.

7. MOTION: GRIFFIN/PAPALARDO

Move to recommend the Council eliminate the management uncertainty buffer for the sector's sub-ACL for GOM haddock for FY2023 should the FY2023 ASM coverage target be set at 99% or higher.

Rationale: This is consistent with the approved A23 measures that have been delayed in implementation.

Discussion on the motion:

A committee member asked if the same discussion would need to occur next year. The maker of the motion stated they hoped A23 would be in place by then and the buffers would be eliminated under a higher coverage level. Another asked if this will supersede the elimination of the management uncertainty buffer that A23 would implement. Mr. Christopher noted the agency has approved A23 in full and the final rule will specify how and when the buffer will be eliminated. When coverage is set to 100%, the buffer will default to zero.

A committee member asked if there will be frequent updates from the NEFSC on what observer coverage rates are being achieved. Mr. Christopher stated the current realized coverage rate is around 50-60%, with some sectors above and others below. A committee member noted it is impressive coverage has been that high given the toll the COVID-19 pandemic has had on the observer program workforce.

A committee member asked if the motion is within the scope of the framework. Staff noted the analysis for the elimination of the management uncertainty buffer was done for A23 and could be incorporated by reference. Adjustment of management uncertainty buffers can be done in a framework action.

MOTION #7 CARRIED BY CONSENSUS AND WITHOUT OBJECTION WITH ONE ABSTENTION (PETER CHRISTOPHER).

8. MOTION: GRIFFIN/PAPPALARDO

Move the Committee recommend 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 negatives short-term effects on a fishing industry that large changes in catch limits can have and allows for phasing-in changes to ABC to help stabilize catch levels. Some indication of a strong 2020 year class. To create a bound on 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 the development of the final framework document. Staff noted the first part of the motion does not, but the second part would require an SSC meeting which takes about one month to organize due to Federal Register noticing requirements. It would potentially require the Council to take split action on FW65 in December 2022 and January 2023. Staff noted this is somewhat similar to what occurred for witch flounder: the SSC met in January and the Council considered those recommendations at the January Council meeting but ultimately selected something lower than the SSC recommendation.

Mitch MacDonald (NOAA General Council (GC)) explained the National Standard (NS) guidelines provide that a phased-in approach can be included in the development of ABC control rules (CRs) for a fishery management plan (FMP) and noted the Groundfish FMP has a four-part CR process in place. He started using a phased-in approach on an ad-hoc basis is outside of the guidelines. A committee member noted this discussion would be beneficial to continue under the ABC CR discussion.

A committee member asked if the intent was to fish at the ABC or the OFL, or some value in between that would adequately address risk. They noted fishing aggressively in the near term may push the stock into an overfished condition. The maker of the motion stated the higher limit analyzed would be the OFL, and the range is intended to allow the staff to continue analysis until an SSC meeting takes place. They stated the phased-in approach could mitigate the impacts wild swings in ABCs have on the fishery.

A committee member expressed support for the motion and noted the recreational fleet has seen large numbers of haddock during times and in locations different than in the past. They believe the trawl and potential state surveys are missing them. They stated other regional Councils have methods for incorporating for-hire fleet observations into stock assessments and not responding to these observations reduces the Council's credibility with the public.

A committee member noted out-year OFLs are based on ABCs so if the ABC was exceeded it would mess with what the OFL should be. The maker of the motion noted they had not had time to consider what the buffer should be.

PUBLIC COMMENT

- George Lapointe (Blue Harvest Fisheries) asked if, given the concerns about the timeline, could the SSC be asked to develop the alternatives for just FY2024 and FY2025 and allow work to proceed without an additional SSC meeting.
 - Chairman Bellavance stated the Committee can respond with more input later.
- Maggie Raymond (Associated Fisheries of Maine) said the impacts of a delay in the framework must be considered. She asked if there is no ABC for cod, would no fishing for cod be allowed until one is set?
 - Peter Christopher stated default specifications would 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 ABC would default to zero.
- Jackie Odell (NESC) expressed support for the motion and noted the industry suffers when there are large swings in quota and delays in the framework. She noted there are signs that there may be large incoming year classes for GOM and GB haddock. She expressed support for tabling the motion until the next committee meeting.

9. MOTION: ETRIE/PAPPALARDO

To postpone Motion 8 until the December 2 Groundfish Committee meeting.

Rationale: There are clear limitations in the GOM haddock assessment that warrant further discussion on the OFLs and ABCs for 2023-2025, but requesting the SSC to develop additional alternatives may delay approval of the Framework.

MOTION #9 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

PUBLIC COMMENT:

- Terry Alexander (commercial fisherman from Maine) expressed frustration that some sectors are currently subject to much higher observer coverage than others. He asked if there have been any discussions on how to get observers on boats that are on the *Do Not Comply* list.
 - Peter Christopher stated the agency is working through these issues and that the agency, providers, and sectors all have to work together to solve them. He noted the management uncertainty buffer will be looked at each year and the Council will play a role in determining if it should be waived or not on a year-to-year basis

Southern New England/Mid-Atlantic Yellowtail Flounder

10. MOTION: ETRIE/GRIFFIN

To recommend continuing to use 90% of Scallop PDT's bycatch estimate as the method to set the SNE/MA yellowtail flounder sub-ACL for the scallop fishery.

MOTION #10 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

White Hake

A committee member noted fishermen in Maine have expressed the low white hake quotas have been extremely problematic. They noted white hake recreational data should be incorporated into the assessment. They expressed any additional quota would be a huge help to the industry. Staff explained white hake is in a rebuilding plan which sets fishing at 70% F_{MSY} and the PDT cannot make the decision on their own to wave the Groundfish Control Rules. The Council will have to weigh in on both the control rules and the rebuilding plan. There would need to be an additional SSC meeting if the Council asks the SSC to reconsider the OFLs and ABCs.

A committee member noted that the current methodology for single species management is causing a lot of issues for white hake and the situation could be worse next year. A different committee member disagreed the crisis stemmed from single-species management. They expressed concerns with the new tiered-approach stock assessment process, lack of port sampling, and data gaps. A third committee member noted the quotas are going to impact the overall groundfish fishery revenue and rebuilding projections did not give them confidence that white hake is on track to rebuild.

11. MOTION: GRIFFIN/WARE

Move to recommend the Council eliminate the management uncertainty buffer for the sector's sub-ACL for white hake for FY2023 should the FY2023 ASM coverage target be set at 99% or higher.

Rationale: This is consistent with the approved A23 measures that have been delayed in implementation.

Discussion on the Motion

A committee member asked for clarification on when the rebuilding plan for white hake started. Paul Nitschke stated the first plan was put into place through Amendment 13 (2003) with a start date of May 1, 2004. It was later revised and the timeline was extended. The current end-date is 2031.

A committee member expressed support for the motion and noted they sometimes take fishermen's reports with a grain of salt but there is a lack of confidence in the assessment results. They do not have faith in the numbers but do in what fishermen are currently saying.

A committee member noted the white hake issue is different than GOM haddock since white hake is a unit stock and moves in and out of areas that are exempt from at-sea monitoring (ASM) under A23. They asked what the agency's interpretation of removing the management uncertainty buffer for fisheries that have no ASM component is. Peter Christopher noted the motion is looking at the removal of the management uncertainty buffer on a case-by-case basis and stated he will be abstaining from the motion. Mr. Christopher clarified all the comments made regarding the removal of the management uncertainty buffer under 100% observer coverage and the agency's responses will be summarized in the final rule. He noted the Council commented it did not believe exempting ASM in the area west of 72 30 W would affect catch estimates and accounting, but the agency is concerned about how to develop discard rates for the area.

PUBLIC COMMENT

- George Lapointe (Blue Harvest Fisheries) asked if removing the management uncertainty buffer would make any impact on how constraining white hake is.
- Jackie Odell (NESC) expressed appreciation for the motion and reiterated that what is being seen on the water does not align with the stock assessment results. She noted they were unsure how significant the impacts of removing the buffer would be.

Committee members discussed it will not increase quota enough to make white hake no longer a choke species but is a step in the right direction.

MOTION #11 CARRIED BY CONSENSUS AND WITHOUT OBJECTION AND WITH ONE ABSTENTION (PETER CHRISTOPHER).

Atlantic Halibut

An advisor expressed concern that the US fishery is suffering a reduction in allowable catch because of increased Canadian catch. Staff explained halibut is managed very differently by the US and Canada, and in Canada it is seen as part of a much larger stock.

Sub-Component Analysis: Atlantic Halibut

A committee member asked if the three-fold increase in Canadian catch of halibut in 2019 and 2020 was proportional to the increase in the Canadian TAC. Staff noted that was not the case. The TAC in 2019 was 4,789mt, in 2020 was 5,507mt, and in 2021 was 5,545mt. In 2022 it decreased 4,807mt.

A committee member reiterated that the Canadian catch as of November 2022 was 93mt and asked if the PDT is considering a three-year average since that would be a much higher number. Another committee member noted the three-year average would bump the Canadian catch estimate up from 49mt to 110mt and they hoped new information would be incorporated to bring that down. A third stated the PDT could look back at 2016-2019 when the catch was fairly stable. Staff explained the PDT still needs to discuss that catch limits have come down and if they want to present the preliminary 2022 estimates and average it with the previous years. Staff noted that whatever the PDT comes up with will likely be an increase from 49mt.

An advisor asked if catch numbers from Canada are available or only weights. Paul Nitschke confirmed the US only receives weights.

An advisor noted management measures already allow for only one halibut per trip. They expressed fear that the catch multiplier is forcing the US ABC lower and lower and it may take a long time for the US catch to build back up. Staff explained there have been no discussions about revising management measures at this point, but the PDT is trying to understand the cause of the increased Canadian catch and to determine if they can estimate something lower than the three-year average for next year. Staff explained the Council could work on revising the halibut AMs in the next framework (if the Council set through priorities) to have them in place by 2025 and noted an overage in FY2023 would trigger AMs in FY2025 since estimates are not available until mid-2024. Staff explained there was a stock assessment for halibut this year and the catch estimates are summarized in the stock assessment report.

A committee member expressed support for both options (the three-year average approach or 20% established in FW57) to be moved forward for further analysis.

Sub-Component Analysis: GOM Haddock

A committee member clarified increasing the state waters to 3.5% but maintaining the other subcomponents at 0.5% would result in a net positive of 24.6mt being shifted to the commercial fishery. Staff noted that is correct.

12. MOTION: SALERNO/GRIFFIN

For the sub-component analysis, to set the Gulf of Maine haddock at:

- 3.5% for state waters
- 0.5% for other fisheries

Rationale: This is consistent with the recommendation of the PDT and, based on catch for the past three years, is predicted to cover what catch will be. Any changes to management measures implemented by the states are unknown at this time, but it is known that Massachusetts attempts to be responsive to the catch target set. States are aware these are not sub-ACLs but they do pay attention to what they are set at.

Discussion on the Motion:

A committee member questioned why catch in the “other” subcomponent category is going down and how they could be assured shifting it to the “state” subcomponent category acknowledges the overall decrease in the ABC.

MOTION #12 CARRIED BY CONSENSUS AND WITHOUT OBJECTION AND WITH TWO ABSTENTIONS (LIBBY ETRIE AND GEOFF SMITH).

Revised ABC Control Rules

A committee member questioned if *Revisions to the ABC Control Rules* should be removed from the framework given the lack of work that has been done so far. Another noted stock assessments need to be improved so there is more stability when using the ABC control rules. Staff summarized the discussions that have occurred to date, including when to use 75%F_{MSY} as the default, what situations require increased flexibility to reduce the impacts of large swings in ABCs, and when to use constant ABCs. A committee member noted this may be work for a contractor next year if there are resources available.

Additional Measures to Promote Rebuilding of GOM Cod and GB Cod

A committee member stated there may actually be a reason to *reduce* the management uncertainty buffer for GOM cod since there have been improvements in recreational data, but acknowledged this would not be appropriate given the state of the stock. Another noted that recreational catch and effort is down.

A committee member referenced a motion they had brought forward at a previous meeting that failed and stated the agency does not have one to bring forward at this time. Multiple advisors noted the impacts of any changes to the Atlantic cod stock structure will soon need to be reckoned with.

The Committee meeting adjourned at approximately 5:35 p.m.

DRAFT