



## New England Fishery Management Council

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### MEETING SUMMARY

#### Groundfish Advisory Panel

Hilton Garden Inn, East Boston, MA

September 2, 2015

The Groundfish Advisory Panel (GAP) met on September 2, 2015 in East Boston, Massachusetts to discuss: (1) development of Framework Adjustment 55 (FW55), an action to set specifications for all stocks in the Northeast Multispecies (groundfish) Fishery Management Plan (FMP) for FY 2016 – FY 2018 including US/CA stocks for FY 2016, and addition of a new sector, (2) final recommendations from the GAP to the Committee on preferred alternatives in Amendment 18 (A18), an action to address fleet diversity and accumulation limits, (3) development of an At-Sea Monitoring (ASM) alternatives through a Council action, (4) enforcement concerns regarding identification of the separator panel within the trawl net, and (5) other business as necessary.

**MEETING ATTENDANCE:** Mr. Bill Gerencer (Chairman), Ms. Jackie Odell (Vice Chair), Mr. Richard Canastra, Ms. Maggie Raymond, Mr. Paul Parker, Mr. Ben Martens, Mr. Geoff Smith, Mr. Hank Soule, Ms. Bonnie Brady, Mr. Ed Snell, Mr. Chris Brown, Dr. Jamie Cournane, Ms. Rachel Feeney, and Mr. Jonathon Peros (NEFMC staff); and Mr. William Whitmore, Ms. Liz Sullivan (NMFS GARFO staff). In addition, approximately 7 members of the public attended, including some Council members.

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) meeting memorandum dated August 26, 2015; (2) Meeting agenda; (3a-c) 2015 Groundfish Stock Status Assessment Summaries from TRAC; (4a) Draft Action Plan for FW55, dated August 28, 2015; (4b) Plan development team (PDT) memo to the SSC re: Georges Bank yellowtail flounder, dated March 18, 2015; (4c) PDT memo to Groundfish Committee re: FW55, dated August 31, 2015; (4d) “Sustainable Harvest Sector II” new sector application, May 18, 2015; (4e) FW55 presentation; (5a) A18 Draft Environmental Impact Statement, June 30, 2015; (5b) A18 Public Oral Hearings Summary, August 21, 2015; (5c) A18 Public Written comments, September 1, 2015; (5d) A18 Groundfish Committee Decision Document, August 26, 2015; (5e) A18 presentation; (6a) PDT memo to Groundfish Committee re ASM, June 2, 2015; (6b) PDT memo to Groundfish Committee re ASM, August 27, 2015; (6c) ASM presentation; (7) GAP meeting summary, March 25, 2015; (8) Enforcement Presentation, US Coast Guard; (9) Correspondence.

**KEY OUTCOMES:**

- The GAP supports pursuing regulatory changes to streamline the process for creating new groundfish sectors.
- The GAP supports the development of a management mechanism that would allow sectors to transfer EGB cod to the WGB cod fishery.
- The GAP recommended that ASM requirements be removed for trips in Broad Stock Areas 2 & 4, and that additional analysis be completed to determine whether or not ASM requirements should be removed for ELM trips in BSA 1.
- The GAP recommended that the Groundfish Committee request further analysis of the following ASM concepts (as outlined in Document #6b):
  - Setting ASM coverage using CV30 standard only (not applying 80% discard threshold)
  - Sector specific monitoring uncertainty buffer
  - Sector specific coverage requirement
  - Fixed ASM rate (less than 20%) that may include a dockside monitoring requirement.

The meeting began at 9:38 am after a quorum was reached. The Chair adjusted the schedule for the GAP to address a prepared motion for FW55 (Motion #1).

**Motion #1 – (Raymond/Canastra):**

The GAP supports approval of the new sector application for Sustainable Harvest Sector II.

**Motion #1a as perfected:**

The GAP supports approval of the new sector application for Sustainable Harvest Sector II. The GAP recommends that the Groundfish Committee recommend that the Council modify the regulations pertaining to sector management to remove the requirement that new sector applications be approved through a regulatory action (framework or amendment) and instead may be approved by GARFO after consultation with the Council.

*Rationale:* The GAP noted that creating sectors through a Council action is cumbersome, and that GARFO approval of sectors after consultation with the Council would streamline the sector approval process.

Motion #1a **carried** on a show of hands (7/0/2).

**Presentation on Framework Adjustment 55 (Dr. Cournane)**

Staff explained that the goals of the GAP meeting with regard to FW55 were to: 1) discuss any recommendations to the Committee on the development of alternatives, and 2) to consider whether to recommend to the Committee the inclusion of alternatives(s) in FW55 to address ASM, enforcement concerns, or other issues. Current measures slated for FW55 include the incorporation stock status changes, specifications for all groundfish stocks, and alternative to adopt an additional sector and to make changes to the groundfish monitoring program.

Staff provided high-level updates of the results of the 2015 TRAC assessments for [GB yellowtail flounder](#), [Eastern GB cod](#), and [Eastern GB haddock](#), and explained that the [2015 Groundfish Operational Assessments](#) would take place in Woods Hole, MA from September 14 – 18, 2015. The SSC recommended status quo catch advice of 354 mt for FY 2016 and FY 2017 for GB yellowtail flounder.

The PDT reviewed the request for a creation of a new Sustainable Harvest Sector, and found is to be similar to the existing SHS I. The PDT also felt that the proposed operations of the new sector were within the existing programmatic EA for sector operations and would not require an additional NEPA document to analyze impacts. Staff noted that PDT discussed options similar to those propose in Motion #1a for streamlining the sector approval process.

**Questions and Discussion on the Presentation:**

A GAP member asked if there had been any discussion about moving the timing of the TMGC meeting until after the Operational Assessment peer review, noting that the US TMGC would be in Canada negotiating quotas before the assessments would be subject to peer review? Staff explained that working papers GB cod and GB haddock would be available for peer reviews ahead of the TMGC meeting in Halifax, Canada. Concern was also expressed about how the haddock quota may impact the bycatch cap available for the herring fleet. A GAP member asked if the jointly managed species are held to the same rebuilding timelines as other stocks in the multispecies complex? Staff explained that the US and Canada have gone through a risk analysis, and evaluate risk at a low, medium, and high threshold. A GAP member noted that the TRAC process focuses on increasing SSB. A GAP member expressed concern about the use of constant quotas when setting specifications for multiple fishing years, particularly for stocks which have ABCs and ACLs are very low levels. Staff noted that the SSC will likely be applying their control rules to set OFLs and ABCs this fall, and that for some stocks the PDT may bring forward sensitivity runs of projections for comparison purposes. A member of the GAP felt that the constant catch approach taken for windowpane flounder specifications was hampering the fishery, and felt that a benchmark assessment was needed for these stocks.

**Motion #2 – (Raymond/Odell):**

The GAP recommends that the Committee include in FW 55 an option to create a mechanism that would allow sectors to transfer EGB cod to the WGB cod fishery (i.e., mirror the current ability to transfer EGB haddock to the WGB haddock fishery.)

*Rationale:* To be consistent with the options for haddock. With large disparities expected between the GB cod and EGB cod assessments; this is a management solution to a failed process.

*Discussion on the Motion:* A GAP member pointed out that depending on the results of the TMGC and GB cod operational assessment, there could be a situation where there would be more cod in the eastern area than in the rest of the stock area. They explained that this outcome would impact the entire groundfish fishery, and expressed strong support for a management solution to this potential outcome. The GAP had questions about the resource sharing agreement, mortality assumptions in the eastern area, and the assessments conducted at the TRAC. Staff explained that different models are used for setting catch advice. TRAC uses a VPA with a high natural mortality for older fish, while the US bankwide assessment is done with an ASAP model that assumes a lower natural mortality. A sector manager on the GAP explained to the group that the process for transferring EGB haddock to western GB haddock is simple, and can be done by a sector manager online. A GAP member raised the issue of cod stock structure, and wondered if there is more than one stock on Georges Bank. A GAP member from SNE expressed also concern about this issue, and suggested there may be a separate cod stock in SNE.

Motion #2 **carried** on a show of hands (6/0/3).

**At-Sea Monitoring Presentation (Dr. Cournane):**

Staff explained that the PDT had taken the tasking from the June Council meeting, and developed ideas and approaches that the Council could pursue to modify the existing at-sea monitoring program for groundfish sectors. Staff explained that some of these approaches could be done administratively by

NMFS, while others would take Council action. The memo from the PDT to the Committee on ASM ([document #6b](#)) breaks out ASM changes which could potentially be implemented in time for May 1, 2016 (start of FY2016), and changes which would require more extensive development and analysis. Changes to the ASM program that would require Council action would need to be included in FW55 to be implemented by May 1. Staff walked through each of the nine (9) PDT approaches to modifying the ASM program, noting that additional details are contained in document #6b.

Questions and Discussion on the Presentation:

One member of the GAP felt that conversations about improving the ASM program should include the NEFSC, and suggested that the PDT and industry would benefit from industry membership on the PDT.

**Motion #3 – (Odell/Soule):**

In regards to the June 2015 Council motion which directed GARFO to utilize administrative action in FY 2015 to improve the efficiency of the ASM program to reduce costs, the GAP recommends that the Committee request to the Council that GARFO prepare a detailed explanation along with supporting technical analysis (in a comprehensive manner) before the next Council meeting to enable managers to have a clear understanding of how and why the Council motion fell short.

*Rationale:*

- There are specific regulatory requirements (30% CV specified) requirements contained in Amendment 16 and then there is an additional layer of applied by NMFS (80% of discards) not contained in regulations. Notably, NMFS sets a coverage rate at a level sufficient to estimate 80 percent of the discarded pounds of all stocks and sectors combined, with a precision level of CV30.
- GARFO reported in a letter dated August 18<sup>th</sup> that the results of their detailed analysis determined the council motions could not be implemented due to "not meeting the statistical standards". But no additional information was provided. This analysis is needed to understand what the limitations of the Council motions were and to make changes to ASM moving forward in the framework action.

Motion #3 **carried** on a show of hands (10/0/0).

Several members of the GAP expressed support for changes to the ASM program that would improve the efficiency of the program and lower its cost. The PDT did not bring an analysis of what ASM coverage levels would be under each approach, or how each of these approaches would impact cost.

**Motion #4 – (Raymond/Odell):**

The GAP requests that the Committee recommend an analysis of the ASM coverage level that would result from a calculation of the 30% CV without including the standard that requires 80% of the discarded pounds of all stocks and sectors combined.

*Rationale:* The regulations recommended by the Council in FW48 specify a CV of 30%. The additional standard was added by NMFS.

*Discussion on the Motion:* The GAP had several questions about the application of an agency applied standard of monitoring 80% of discards, and referred to Table 1 (p.15) of the [Summary Analysis to Determine ASM Requirements for Multispecies Sectors FY2015](#). Mr. Willie Whitmore explained that in FY2010 when the ASM coverage rate was set at 38%, at-sea monitors observed 80% of discards. He

explained that the NMFS has been carrying this metric forward in its analysis to determine ASM coverage levels, and went on to say that if the CV30 standard would result in covering fewer than 80% of discards that the coverage level would be increased by NMFS to meet the second standards. Mr. Whitmore added that coverage rates needed to achieve CV30 at the stock level are likely to be very close to or greater than the coverage needed to monitor 80% of discards. The point was made that the CV30 standard is a Council imposed standard that following the precision standard used for the SBRM.

**Motion #4a as friendly amended:**

The GAP requests that the Committee request that the Council ask NMFS to explain the rationale for using the standard that requires 80% of the discarded pounds of all stocks and sectors combined. Further, the GAP requests that the Committee recommend an analysis of the ASM coverage level that would result from a calculation of the 30% CV without that standard.

*Discussion:* All comments by the GAP were in favor of the Motion. The advisors felt that greater transparency around how ASM coverage levels are set is very important to the process. There was some question during this discussion as to whether or not a CV standard is the most efficient approach to monitoring for groundfish sectors.

The motion **carried** on a show of hands (10/0/0).

The GAP asked if there were any updates on the Council's request for an evaluation of the groundfish sector ASM program? Staff explained that the groundfish PDT would in part be evaluating the ASM program through the development of a No Action alternative for any ASM alternatives. Council staff did not speak to ASM correspondence sent to the Council from NMFS.

**Motion #5 – (Soule/Parker):**

The GAP recommends to the Committee that the ASM requirements are removed for trips in Broad Stock Areas 2 and 4.

*Rationale:* There is virtually no groundfish caught on trips in those areas, based on maps in PDT memo on ASM, dated 8/31/15. Keeping the requirement would unduly burden vessels fishing in those areas (e.g., skate in Area 2, skate and monkfish in Area 4).

*Discussion on the Motion:* After a brief discussion on the groundfish catch thresholds in Broad Stock Area 1 (GOM) that the PDT used in its analysis, the GAP expressed interest in further analysis that would explore the overall scale of groundfish catch on extra-large mesh (ELM) trips.

**Motion #5A as perfected:**

The GAP recommends to the Committee that the ASM requirements are removed for trips in Broad Stock Areas 2 and 4 for extra-large mesh trips targeting monkfish, skates, and dogfish (through FW 55). The GAP requests that a more detailed PDT analysis be conducted for BSA 1 as was provided in the memo, to determine if this is appropriate for BSA 1 (including pounds of groundfish discarded).

*Discussion on the Motion:* Council staff explained that PDT analysis had initially focused on the ratio of groundfish catch to kept catch on the ELM trips carrying an ASM. Staff noted that NMFS has used a groundfish catch to total catch standard in its evaluation of exempted fisheries, and that this approach could also be pursued. The intention is that this would be an alternative included in FW55.

Motion **carried** on a show of hands (10/0/0).

**Motion #6 – (Soule/Raymond):**

The GAP recommends to the Committee that the concept of establishing sector-specific management uncertainty buffers or discards rates (option #5 in PDT memo) be further developed for FW 55.

*Rationale:* Sectors may be better off accepting an increase in pounds of assumed discards for a stock in exchange for reduced coverage rates. This way, there are cost-savings available to sectors.

*Discussion on the Motion:* Council staff explained that the PDT concept for sector specific monitoring buffers would be to reduce the sector's ACE at the start of the fishing year and that this approach would be in conjunction with a reduced level of monitoring. All comments were in favor of exploring this approach. One advisor suggested that a monitoring buffer could be used for stocks that may be driving the overall coverage for the fleet. The same advisor also told the group that it would have been less expensive for his sector to have leased in all of the fish that the sector had discarded than it would have been to pay for ASM at its projected cost next year. Another advisor felt that there were other benefits to having monitors on vessels besides counting discards. Some reservations about the overall ASM program were expressed in the discussion on this motion.

The motion **carried** on a show of hands (7/0/2).

**Motion #7 – (Smith/Martens):**

The GAP recommends to the Committee that the concept of establishing sector specific coverage requirements (option #4 in PDT memo) be further developed for FW 55.

*Rationale:* Allows coverage rates to be more fine-tuned to where a sector is actually fishing, rather than having coverage driven by a stock in an area where they do not fish.

*Discussion on the Motion:* One advisor discussed ways in which sectors could explore cutting costs, such as exploring full retention, committing to only fish in one BSA, or creating rules within a sector that would lead to lower ASM costs. Mr. Whitmore explained that sectors are able to develop their own ASM plans without further Council action. Interest was expressed in NMFS approving changes to the ASM program through sector exemptions.

The motion **carried** on a show of hands (10/0/0).

**Motion #8 – (Raymond/Brown):**

The GAP requests that the Committee recommend development of an ASM alternative that would set a fixed discard rate (in a range of %) at a level lower than 20% (that may include a requirement of 100% dockside monitoring to improve catch accounting).

*Rationale:* This is a follow-up to Motion #6. 20% is the ASM rate for FY 2015. Would like a fixed rate (range would be about 5-15%) with a target rather than absolute CV target. Dockside monitoring may be a way to reduce industry costs, since monitors would generally come to one location per port. We need to understand that a higher level of coverage is likely needed, but this would reduce costs.

*Discussion on the Motion:* The GAP clarified that the dockside monitoring (DSM) costs (as proposed in this motion) would be paid for by industry. The GAP discussed the addition of DSM in the context of catch monitoring and a decreased ASM coverage rate. It was clarified, and then perfected, that the maker of the motion was proposing a fixed ASM rate.

**Motion #8a as perfected:**

The GAP requests that the Committee recommend development of an ASM alternative that would set a fixed ASM rate (in a range of %) at a level lower than 20% (that may include a requirement of 100% dockside monitoring to improve catch accounting).

The motion **carried** on a show of hands (3/2/5).

**Motion #9 – (Odell/Soule):**

The GAP requests that the Committee recommend development of an ASM alternative that would set a fixed ASM rate (in a range of %) at a level lower than 20%.

*Rationale:* ASM is focused on discards, dockside monitoring is for landed catch.

*Discussion on the Motion:* Speaking against the motion, an advisor felt that the motion did not offer an approach that could be used to offset the current ASM coverage rate, as DMS had done in the previous motion.

The motion **fails** on a show of hands (1/3/6).

**Motion #10 – (Brown/Canastra):**

The GAP recommends to the Committee that the total cost of ASM will not exceed 4% of the value of the fishery.

*Rationale:* Would be consistent with cost recovery provisions for LAPPs in MSA. There should be a cap on costs, so that they will not escalate.

*Discussion on the Motion:* Several members of the GAP expressed concern with the motion. One advisory felt that 4% of the value of the fishery is too high for what is being produced by the current monitoring system. There was also concern about applying LAPP concepts to a non-LAPP fishery. Another advisor noted that the Magnuson-Stevens Act specifies certain things, and does not preclude Council's from doing them because of cost.

There was some question as to how this kind of approach could be operationalized within the current sector system. The GAP also discussed how funds within a cost-recovery program (from a LAPP fishery) are employed.

**Motion 10A as perfected:**

The GAP recommends to the CTE that an analysis be done that would consider a cost cap for ASM.

**Motion #11 to postpone motion Table 10A: Odell/Brown**

Motion was **tabled** on a show of hands (8/0/0).

**Motion #12 – (Martens/Snell):**

The GAP recommends the following list of issues, not addressed in PDT Memo, that the Committee should consider when the PDT analyzes ASM costs and impacts on the groundfish fleet:

1. Costs: The costs to boats fishing from remote ports are substantially higher than the costs experienced by vessels fishing from more centralized locations.
2. Costs: Those that land limited numbers of fish due to the size of their boat, gear used, or area fished cannot as easily absorb the costs of ASM.
3. Access: For very remote ports, there may not be any observer providers that are willing to provide service to those ports. Since ASM is required, this seems to be a major issue for fishermen outside of metropolitan areas.
4. Data: Captains will be incentivized to shorten trips that are selected for observers and lengthen trips that are not selected due to costs. This will significantly impact data collected.
5. All trips are not equal, and having a coverage rate based on trips, as opposed to days fished or pounds landed, potentially impacts the dayboat fleet disproportionately.

*Rationale:* Want better information about potential impacts to fishermen in remote ports. We have requested that the Committee task the PDT to look at option #4 and #5. This list should be considered in analysis of those and other ideas.

*Discussion on the Motion:* The GAP discussed whether or not the groundfish sectors would be able to provide some of this analysis to the Committee and Council. Several members of the GAP spoke in favor of this motion, while other members felt that ASM is a fleetwide issue and that the motion as written zeroed in on issues for on a portion of the fleet. Council staff explained that PDT tasking would ultimately come from the Committee, and that this motion would be taken up in their discussion the following day. Multiple members of the GAP spoke how the performance of the program might change as the costs transition to the industry, with one advisor suggesting that an evaluation of the industry-funded model be done after the program is in place for a year.

*Some Public Comment Included:*

Josh Wiersma, Environmental Defense Fund. *This is a fleet wide issue. Part of the problem that you are experiencing is that as the value of the fishery diminishes, and as people are taking fewer and fewer trips, when you switch the cost over to private industry observer companies are going to be worried if sectors can pay. Part of the solution is going to be looking at how the ASM program can be*



*restructured. I think you were on the right track when you were discussing CVs and how you might want to prioritize one stock over another.*

Motion #12 **carried** on a show of hands (4/2/3).

**Motion #13 – (Parker/Raymond):**

The GAP supports full retention (of allocated species) in the fishery and recommends an analysis of its effect on cost and efficiency. If this analysis slows down FW55, it should be a longer-term issue to be considered. The intent is to help inform sectors in how to construct their monitoring programs.

*Rationale:* This may be a solution to lowering ASM costs and be a systemic improvement. This would be full retention of the allocated groundfish species.

*Discussion on the Motion:* The GAP, with the help of Mr. Whitmore, revisited past discussions around full retention. Some advisors felt that the scope of this concept would slow down the progress of the current action (FW55), and that this should be looked at in a future action. Through discussion, it was clarified that the intent of the motion was for maximized retention.

Motion #13 **carried** on a show of hands (9/0/1).

**Motion #14 to consider postponed Motion #10A: Brown/Canastra**

The motion **carried** on a show of hands (6/0/1).

**Motion #15. Motion #10A as Perfected:**

The GAP recommends to the Committee that an analysis be done that would consider a cost cap for ASM.

There was no discussion on the motion.

The motion **carried** on a show of hands (5/0/3).

**Staff presentation Amendment 18 (Ms. Rachel Feeney)**

The Council is scheduled to take final action on Amendment 18 at its September/October 2015 meeting in Plymouth, MA. [Council staff presented the preferred alternatives of the GAP](#), Groundfish Committee, and Council to the advisors. Alternatives within Amendment 18 are broadly organized into five sections: accumulation limits, Handgear A permit measures, data confidentiality, inshore/offshore Gulf of Maine, and Redfish Exemption Area. Staff explained that the GAP could change any of its past recommendations on the alternatives in A18 at this meeting.

**Motion #16 – (Martens/Smith):**

The GAP recommends that the Committee recommend to the Council not taking final action on Amendment 18, considering the final alternatives that are currently in the document, we believe that the time and analysis that would be required to move this Amendment forward could be better used addressing more pressing issues such as ASM and the upcoming stock assessment process.

*Rationale:* Moving Amendment 18 forward will take resources at the Council and at GARFO away from other groundfish related actions that are more pressing at this time.

*Discussion:* Speaking against the motion, an advisor argued that delaying A18 would not guarantee that the Council or NMFS would be able to work on issues that the advisors feel are important, and argued that it is time to move A18 forward.

The motion **failed** on a show of hands (2/5/1).

**Amendment 18 Presentation continued:**

[Council staff presented input gathered through the A18 public comment period](#) which ran from July 7, 2015 to August 31, 2015. There were 13 oral comments and 18 written comments received during this time period. Summary statistics of public participation by public hearing location and stakeholder type were provided for oral comments, as well as an overview of the types of organizations that provided written comments.

**Enforcement:**

Commander Kurt Virkaitis and Lieutenant Dan Orchard presented the Coast Guard concerns with the separator panel, which is difficult to identify because it is usually the same color as the net. Commander Virkaitis and Lieutenant Orchard showed pictures of nets hanging on deck, with separator panels both the same and different colors as the net, as well as a scale model of a separator trawl with all the netting the same, white color. They pointed out that the different colored netting is easier to distinguish.

The Coast Guard would prefer that the separator panel be a contrasting color (e.g., a green net with a red separator panel) to improve identification of the panel during inspections. The benefits of a contrasting color are easier identification during boarding, faster inspection, and more effective enforcement. This does not affect rope or Ruhl trawls.

*Discussion on the Presentation:* The GAP discussed the contrasting color requirement. There was concern for the cost, the availability of different net colors from the same dealer, and different shrinkage rates for netting obtained from different dealers. There was concern that the separator panel, whatever color, must be configured correctly to achieve its purpose. An advisor from Rhode Island indicated that the three dealers available to him could supply different colored 16 cm twine.

**Other Business**

During other business, an advisor walked through an idea which would allow non-sector vessels to enter into a contract with a sector during the fishing year with the goal of fully harvesting the sector's ACE, generating revenue for the sector, and keeping fish within the community. The advisor argued that such an approach would allow state vessels and common-pool fishermen in southern New England to continue to fish on groundfish during the FY when the common-pool is closed, and would benefit the sector by generating sector fees from fish that the sector would never catch. They also argued that this approach would keep quota and landings within the community – recognizing that ACE could be leased to other sectors at any time during the fishing year. The GAP did not have a quorum, and motions could not be made. Remaining members of the GAP expressed some interest in the concept, and speculated about how it could be operationalized. As the discussion progressed, the advisor noted that his sector was leaving upwards of 350,000lbs of flatfish on the table. Mr. Whitmore suggested that the advisor have the sector manager write up this concept in more detail.

The meeting **adjourned** at 3:34 pm.