



New England Fishery Management Council

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MEETING SUMMARY

Groundfish Advisory Panel

Hilton Garden Inn Logan Airport, Boston, MA
September 16, 2019

The Groundfish Advisory Panel (GAP) met on September 16, 2018 in Boston, MA to discuss and make recommendations on: (1) Amendment 23: Groundfish Monitoring, (2) Framework Adjustment 59: Specifications, (3) possible Council priorities for 2020, (4) Omnibus Framework: Commercial Electronic Vessel Trip Reporting (eVTR), and (5) other business as necessary.

MEETING ATTENDANCE: Ben Martens (Chairman), Jackie Odell (Vice Chair), Bert Jongerden, Paul Parker, Maggie Raymond, Geoff Smith; Robin Frede and Melissa Errend (NEFMC staff); and Terry Stockwell (Groundfish Committee Chair). In addition, approximately 11 members of the public attended, including: Peter Christopher, Mark Grant, Liz Sullivan (GARFO), Terry Alexander, Libby Etrie, Melanie Griffin, Meredith Mendelson (Groundfish Committee/Council members), Chad Demarest, Samantha Werner, Greg Ardini (NEFSC), Sam Ascii, and Chris Kellogg (NEFMC staff).

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) Meeting memorandum and agenda dated September 5th, 2019; (2) Presentation: Council staff; (2a) Presentation: Cost Efficiency Analysis; (3) Framework Adjustment 59: Specifications; (3a) Memo from Groundfish PDT to SSC re Georges Bank yellowtail flounder ABCs, including a memo from the Scallop PDT, August 15 2019; (3b) Memo from Groundfish PDT to Groundfish Committee re development of alternatives for Framework Adjustment 59: Specifications, Sept. 4, 2019; (4a) Amendment 23: Groundfish Monitoring – Draft Environmental Impact Statement PART 1 – Sections 1-6 (Introduction, Background, Alternatives, Affected Environment; (4b) PART 2 – Section 7 (Impacts Analysis) ; (4c) PART 3 – Appendices (Supporting Analysis); (5a) GAP and Groundfish Committee, meeting motions, Aug. 6, 2019; (5c) Enforcement Committee and AP meeting summary, July 25, 2019; (6) Correspondence; (7a) Staff presentation: omnibus framework for commercial eVTR; (7b) Frequently Asked Questions Related to eVTR; and (7c) eVTR Framework Discussion Document.

The meeting began at approximately 9:28 a.m.

KEY OUTCOMES:

Amendment 23

- The GAP recommends development of an alternative that would require vessels that fish in more than one Broad Stock Area (BSA) on the same trip to submit a catch report before moving into a new BSA.

Priorities

- The GAP requests a table of analysis on Broad Stock Area (BSA) reporting issues (from Palmer analysis and additional supporting analyses, e.g. Coast Guard investigations) that are referenced in the cost efficiency analysis
- The GAP recommends that the Groundfish Committee requests the Groundfish Plan Development Team prepare a White Paper that provides a summary of the types and number of federal fishery permits connected to a federal multispecies permit and the steps that would need to be taken to consider permit splitting of the federal multispecies permit from other federal permits

AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 59

PRESENTATION: FW59, MS. FREDE

Staff provided a brief overview of Framework Adjustment 59 (FW59), which includes the following measures: specifications for FY2020 for US/Canada stocks (Georges Bank (GB) yellowtail flounder, Eastern GB cod, and Eastern GB haddock); 2020-2022 specifications for 15 groundfish stocks, including GB cod, Gulf of Maine (GOM) cod, GB haddock, GOM haddock, GB yellowtail flounder, Cape Cod/GOM yellowtail flounder, Southern New England/Mid-Atlantic yellowtail flounder, GB winter flounder, American plaice, Witch flounder, Pollock, White hake, Atlantic halibut, Northern windowpane flounder, and Southern windowpane flounder.

Staff walked through the draft alternatives to date as drafted by the Groundfish Plan Development Team (PDT) from the GAP's and Committee's recommendations at their last meetings, as well as outcomes from several assessment-related meetings, including the Transboundary Management Guidance Committee/Steering Committee (TMGC) meeting that took place on September 10-12. Staff explained that the PDT needs guidance from the GAP on the TMGC recommendations and whether the GAP should recommend that the Committee support the negotiated quotas.

Questions and Comments on the Presentation:

One advisor asked how much GB yellowtail flounder was caught by the scallop fishery last year. Terry Stockwell (Groundfish Committee Chair) explained that while the scallop fishery exceeded the sub-ACL, the total ACL for the fishery was not exceeded and quite a bit was leftover. Another advisor asked about potential reallocations between the commercial and recreational fisheries as a result of the new MRIP data, specifically, what would trigger a reallocation. Council staff responded that new MRIP data has not been reviewed by the PDT alongside specifications but once that occurs it could be determined whether or not current allocations were, or continue to be, sufficient. Chris Kellogg (NEFMC staff) added that the catch would be estimated so that allocations could be adjusted up or down. It was also asked when a discussion on updated MRIP data will occur. Council staff answered that this is likely to occur before the December Council meeting, but it was also stated that it is possible these issues may not be resolved in Framework 59.

In discussing the TMGC recommendations, the GAP made no official comment or statement of support.

AGENDA ITEM #2: OMNIBUS FRAMEWORK – COMMERCIAL ELECTRONIC VESSEL TRIP REPORTING

PRESENTATION: EVTR FRAMEWORK DEVELOPMENT, MR. ASCI

Sam Asci (Council staff) provided a presentation on the eVTR ongoing action, to keep advisors informed. Mr. Asci detailed that the action is proposing a requirement that would apply to commercial vessels in the Greater Atlantic region, and also considers some changes to submission timelines, with the overall goal to reduce reporting burdens for both fishermen and regulators at GARFO. No other changes are being proposed in this action. This action affects all commercially permitted vessels, which based on 2018 permit data is approximately 3,000 permit holders. Mr. Asci clarified that if you are not already required to submit a VTR, this action will not apply. Party/charter permitted vessels will be addressed in a future action, and 2020 priorities may address party/charter eVTR requirements. This eVTR action was initiated by the Mid-Atlantic Council in December 2018. In June 2019 NEFMC joined the action, and at the September Council meeting the NEFMC is expected to consider the range of alternatives and approve them—alternatives consider 24, 48, 72, and weekly submission requirements. Final action is expected between December and January 2020, followed by spring 2020 outreach and training and extended implementation following final rule, which may be up to a year. In summer 2021 eVTR requirements are expected to become effective.

Questions and Comments on the Presentation:

One advisor asked when the submission clock starts. Mr. Asci explained that the completion of the trip is the start. The advisor additionally asked if there are other approved eVTR software other than FLDRs, and how long it would take for additional or new software to be approved. Mr. Asci instructed the advisor to reference the meeting materials, specifically page 3 of document 3, which lists other approved applications. He explained that many are free, some are paid services, and that the list is being finalized now, before final action and outreach/training. Mr. Asci mentioned that they would have to ask about how long it would take the NOAA Regional Office to approve additional apps.

Another advisor asked what cost sharing might look like, which Mr. Asci said that he did not believe that had been raised in discussions so far, in part because it is perceived that the eVTR apps, which are app-based, are not expensive and do not require more specialized equipment beyond a cell phone. The advisor discussed how a possible issue might occur when there is no cell service, and Mr. Asci indicated that had been flagged alongside the current range of alternatives. The advisor emphasized that ensuring appropriate support is available to participants will be an important factor of success.

A GAP member asked if GARFO preferred one eVTR application over another, from the perspective that it might interface better with their needs. Mr. Asci said he believed that all of the approved apps can display and collect all of the required information but some may be easier to use from participant's perspectives. Council staff clarified that many of these questions should be brought up again at the September Council meeting so that appropriate staff from GARFO might be available to answer them.

AGENDA ITEM #3: AMENDMENT 23-GROUNDFISH MONITORING

PRESENTATION: A23 ALTERNATIVES & DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) PROGRESS, MS. FREDE

Robin Frede (Council Staff) gave a presentation on the status of Amendment 23 (A23) changes, including the most recently added alternative on management uncertainty buffers and the approach for analysis in

the DEIS, as well as progress made so far in completing the DEIS, noting that the advisors will not be asked to provide input on selecting preliminary preferred alternatives based on the DEIS since major impacts analysis is yet to be completed. In addition, Ms. Frede provided an overview of changes to the Affected Environment section of the DEIS, which has been updated with new information, including information specific to the Amendment, such as monitoring program coverages rates and other information, as well as updated social and economic indicators in the Human Communities section. Primary analytical approaches used in the biological, economic, and social impacts sections were also described, noting that a primary economic analysis would be covered in another agenda item, the cost-efficiency analysis.

Questions and Comments on the Presentation:

One advisor asked a question about process with respect to the management uncertainty buffers alternative. Specifically, the advisor wished to know if it was normal process for PDT-defined alternatives to stay in the document, if the Committee fails to vote on amending the PDT suggested approach. Council staff clarified that because the Council had added this alternative in June, and in August the PDT provided a memo with suggested language, but at that meeting the GAP and Committee did not make any recommendations, the PDT was left to develop the alternative using the original Council motion as guidance.

Another advisor asked about possible combinations of monitoring coverage with different levels of proposed buffers as specified within option 2. Council staff indicated that the PDT will analyze impacts associated with all combinations of alternatives. Furthermore, because some of the documents for the meeting were received over the weekend, an advisor wished to know if there would be another round of meetings to provide input. Terry Stockwell indicated that yes, the DEIS will be reviewed by the GAP and Committee before it can be approved for public comment.

Discussion:

The GAP discussed Broad Stock Area (BSA) misreporting as a potential issue that has not been yet directly addressed by the A23 alternatives, but has come up alongside various PDT documents. One advisor said that they disagreed with the characterization that BSA misreporting was a significant issue, but that this could be addressed by increasing reporting requirements when fishing across multiple BSAs.

Groundfish Advisory Panel Motion 1: Raymond/Odell

The GAP recommends development of an alternative that would require vessels that fish in more than one Broad Stock Area (BSA) on the same trip to submit a catch report before moving into a new BSA.

Discussion on the motion: Some GAP members suggested that the motion wouldn't disallow cross-BSA reporting, where tows begin in one BSA and finish in another, which could be disallowed altogether. An audience member suggested that VMS-VTR discrepancies are common.

Groundfish Advisory Panel Motion 1a to amend: Smith/XX

The GAP recommends development of an alternative that would require vessels that fish in more than one Broad Stock Area (BSA) on the same trip to submit a catch report before moving into a new BSA, and would include a prohibition on tows occurring in two BSAs.

Discussion on the motion: While some discussed possible support for the motion, it was also discussed how BSA-misreporting might be resolved in another way, as to not impede progress on A23.

Motion 1a *failed* due to lack of a second.

Motion 1 *carried* 4/0/1.

Groundfish Advisory Panel Motion #2: Odell/Raymond

The GAP requests a table of analysis on Broad Stock Area (BSA) reporting issues (from Palmer analysis and additional supporting analyses, e.g. Coast Guard investigations) that are referenced in the cost efficiency analysis.

Intent: To determine the magnitude of the problem of BSA misreporting.

Discussion on the motion: Furthermore, the GAP struggled with characterizations and a lack of directed analysis at quantifying the BSA misreporting issue, and suggested that the PDT work on creating a defined list of analyses and conclusions from published literature cited in the cost efficiency analysis, as well as any other sources, such as the USCG report that was referenced during a July Enforcement Committee Meeting.

Motion 2 *carried* 5/0/0.

Finally, the GAP discussed general issues faced by the impacts analysis, such as qualitative impacts and cumulative impacts of different combinations of alternatives. Council staff said that cumulative impacts will be written in a separate section, but that specific benefits associated with different alternatives were unlikely to be quantitative, for example, an estimate of the magnitude of accuracy problems.

PRESENTATION: COST EFFICIENCY ANALYSIS, MR. DEMAREST

Mr. Demarest gave a presentation on a paper examining the cost-efficiency of different technologies, both human and camera-based, for monitoring discards at sea. While this paper is not the impacts analysis and does not directly correspond to the A23 alternatives, the methods used to create cost comparisons will be adapted for the A23 DEIS.

Questions and Comments on the Presentation:

Based on the cost components for the EM projects, an advisor commented that the costs estimated for field services in particular seemed high based on general maintenance and occasional visits for repairs. Mr. Demarest said that he would need to check with one of the coauthors to verify the assumptions in the model related to field costs and how these costs differ across providers surveyed. The advisor also asked if review costs were estimated to decline over time with expected efficiencies on behalf of the vessel and reviewer, as was done in a similar assessment. Mr. Demarest said this was not investigated in the paper, but that it is possible it will occur. In addition, Mr. Demarest discussed how the review rate picked for comparison, 15%, is the same as other companies currently, for example Archipelago, but that this rate is not informed by the review rate necessary to ensure validity and is somewhat arbitrary. Work is being done on the groundfish EM Exempted Fishing Permits (EFPs) to investigate what appropriate levels of

review might be. It was also asked whether shoreside, or NMFS-related shoreside costs were estimated, to which Mr. Demarest clarified that they are not. Another advisor mentioned it would be helpful to see what expected shoreside costs would be, since these have been estimated elsewhere. The analysis by Mr. Demarest concludes that costs associated with roughly 91% ASM coverage need to be estimated under the scenario of full coverage because NEFOP coverage, on average, has been 9.1%. An advisor mentioned that previously this has been described as 8%, but also that given changes this year, that this rate could vary year to year and sector to sector. Finally, an advisor asked about how fishing time was calculated in the model, since this is the basis for estimating review costs and there may be different levels of review required for steaming time vs towing time vs sorting and catch handling. Mr. Demarest explained how the model uses observer data, which collects information on fishing time and total time at sea, to estimate fishing time on unobserved trips, but that this is a better proxy for the amount of sorting and catch handling required than the number of tows alone.

Agenda Item #4: Possible 2020 Council Priorities

Staff presented the list of 2019 Council priorities, and explained that these along with any additional recommendations would be considered for possible 2020 Council priorities. The goals of the GAP's discussion were to possibly make recommendations for additions to the list of possible 2020 Council priorities.

Groundfish Advisory Panel Consensus Statement 1:

The GAP recommends that the Groundfish Committee requests the Groundfish Plan Development Team prepare a White Paper that provides a summary of the types and number of federal fishery permits connected to a federal multispecies permit and the steps that would need to be taken to consider permit splitting of the federal multispecies permit from other federal permits.

Intent: There has been prior support by the GAP and more recent interest by the industry to consider permit splitting of northeast multispecies permit from other federal permits. In order to understand what this would entail - the permits that are involved and the process for other fishery management plans, the GAP requests a White Paper to inform next steps, because there was not a quorum present, this request was made by consensus, another GAP member wanted to make sure that this would be completed after the PDT was finished with their work on Amendment 23.

AGENDA ITEM #5: OTHER BUSINESS

No other business.

The meeting adjourned at approximately 3:30 p.m.