



## 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*

### MEETING SUMMARY

#### Recreational Advisory Panel

Webinar

November 29, 2021

The Recreational Advisory Panel (RAP) met on November 29, 2021, via webinar to discuss: 1) Framework Adjustment 63/Specifications and Management Measures; 2) possible 2022 Council priorities for groundfish; and 3) other business, as necessary.

**MEETING ATTENDANCE:** Frank Blount (Chair), Barry Gibson (Vice Chair), Rip Cunningham, Tom DePersia, Keven Niland, Michael Plaia, James Reilly, Jonathan Sterritt, and Tim Tower; Dr. Jamie Cournane and Robin Frede (New England Fishery Management Council (NEFMC) staff); Scott Steinback (Northeast Fisheries Science Center (NEFSC)). In addition, 20 members of the public attended, among them were Dan Caless, Mark Grant, Kyle Molton, Liz Sullivan, and Samantha Tolken (Greater Atlantic Regional Fisheries Office (GARFO)); Rick Bellavance (Groundfish Committee Chair); Eric Reid (Council Chair); Melanie Griffin, Mike Pierdinock, and Megan Ware (Groundfish Committee members); Chris Kellogg, Tom Nies, and Janice Plante (Council staff).

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated November 17, 2021; (2) Agenda; (3a) Framework Adjustment 63 (FW63)/Specifications and Management Measures – Draft alternatives version 1; (3b) FW63 - Draft affected environment version 1; (3c) FW63 - Draft impacts analysis version 1; (3d) 2021 Georges Bank cod and Gulf of Maine cod stock assessment reports and peer review, NEFSC, pre-publication draft; (3e) Memo from Groundfish PDT to Scientific and Statistical Committee re Candidate OFLs and ABCs for Georges Bank cod and Gulf of Maine cod for FY2022-FY2024; (3f) Memo from Groundfish PDT to Scientific and Statistical Committee re OFLs and ABCs for Georges Bank haddock and Gulf of Maine haddock for FY2022, revised version; (3g) Memo from Groundfish PDT to Scientific and Statistical Committee re Candidate OFL and ABC for white hake for FY2022; (3h) Memo from Groundfish PDT to Committee re Framework Adjustment 63 –Georges Bank cod recreational fishery management version 1; (3i) Presentation: Council staff; (4) Memo from Executive Director Nies to Executive Committee re 2022 Council Priorities - Executive Director Recommendations, Nov. 12, 2021; (5a) Recreational Advisory Panel meeting summary, Sep. 22, 2021; (5b) Groundfish Committee meeting summary, Sep. 23, 2021; and (6) Correspondence.

The meeting began at 9:34 a.m.

**KEY OUTCOMES:**

- The RAP recommends to the Groundfish Committee (Committee) Georges Bank cod recreational management measures as:
  - Slot limit 22 in to 28 in fish size
  - 5 fish bag limit
  - To prioritize the closed season measure to achieve conservation goals, as:
    - First choice- May 1 to July 31 (Wave 3 and Partial Wave 4)
    - Second choice- July and August (Wave 4)
- The RAP recommends to the Committee Option 3 (PDT memo) for the GB cod recreational catch target:
  - Option 3 – 71 mt for FY2022-FY2024
  - The 3-year (CY2018-CY2020) average percentage of recreational catches relative to US fisheries total catches (20.6%) applied to the proposed FY2022 US ABC (343 mt) results in a GB cod recreational catch target of 71 mt.
- The RAP recommends to the Committee that the Council should retain the authority to adjust recreational Georges Bank cod measures and it should be clarified the Georges Bank cod recreational catch target is to achieve but not exceed the target value.
- The RAP supports the Groundfish Advisory Panel’s (GAP’s) request to the Committee to recommend that the Council remand the Georges Bank cod ABC back to the Scientific and Statistical Committee (SSC) for reconsideration of the position articulated by the minority at the SSC meeting.
- The RAP made recommendations on the possible 2022 Council priorities, including
  - Add in “begin adjustments to management measures needed as a result of revised understanding of cod stock structure. This may require an amendment.”
  - Does not support a GB cod recreational sub-ACL until the Council addresses the results of cod stock structure working group

**AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 63/SPECIFICATIONS AND MANAGEMENT MEASURES**

**PRESENTATION: FRAMEWORK ADJUSTMENT 63 UPDATE, DR. COURNANE AND MR. STEINBACK**

Staff provided an overview of progress on Framework Adjustment 63 (FW63) development, including an overview of the draft alternatives, brief overview of updates to the draft Affected Environment, and a summary of the Plan Development Team (PDT’s) memo on the Georges Bank (GB) cod recreational catch target and possible recreational measures for GB cod. Mr. Steinback provided an overview of analysis on possible recreational measures for GB cod. The goals of the RAP’s discussion were to discuss the draft alternatives and draft impacts analysis for FW63 and make recommendations.

Questions and Comments on the Presentation:

The Chair noted that the minimum fish size limit was 21” in Fishing Year (FY) 2018 and so there would have been additional catch kept, and Mr. Steinback said he would correct this. The Chair asked to clarify that the PDT is recommending the three-year average catch over five-year and that all calculations use the new Marine Recreational Information Program (MRIP) data, and staff confirmed this. The Chair pointed out that for GB cod the US fishery is taking a 73% reduction while the Canadians are only taking a 10% reduction, and said while the Council chose not to remand the recommendation, he thinks this is unacceptable. Another advisor asked to clarify that the 2020 survey catches for GB cod were at an all-time low, and staff confirmed.

An advisor asked what the 2020 catch is so far and whether it is well under the annual catch limit (ACL). Staff answered that this isn't available yet for FY2020, but for Calendar Year (CY) 2020 catch information from the assessment using new MRIP data it's 164mt. Staff also clarified that there is no sub-ACL for GB cod and that it's a catch target. Another advisor noted that FY2018 catches are low and asked if staff have any idea why. Staff responded that FY2018 was the first year of new recreational measures with a change in the minimum fish size and a ten fish bag limit, which may have impacted catch. Another advisor said he thinks the FY2018 catch seems too low while other years seem too high, and so he thinks a longer time frame would help to smooth these differences out. An advisor asked if there is a breakdown of catch by mode for private angler versus the for-hire fleet. Mr. Steinback said he doesn't have this available right now but said just like with Gulf of Maine (GOM) cod, the vast majority of catch is from private anglers. He cautioned that the sample size becomes much smaller when broken down by mode and becomes much more uncertain. The advisor asked if there is any idea of what states people targeting GB cod come from, and the Chair answered that it's mostly New York and New Jersey. The Chair also said he thinks that the correct catch amount for GB cod is somewhere between the three- and five-year average, noting that for years he has thought the for-hire catch numbers are too low and the private angler numbers too high. He asked if the PDT looked at the three- and five-year catch average in conjunction with the commercial fishery catch. Staff explained that the PDT first looked at recreational catch on its own for the three- and five-year average, and then the PDT looked at the recreational catch as a percentage of total catch.

The Chair noted the goal today is for the RAP to recommend a catch target option and options for recreational measures and asked if they are limited to only the three catch target options provided in the PDT memo. Staff answered they can propose others but will need rationale. An advisor asked how much of a reduction in catch they should be trying to achieve with the catch target. The Chair explained that the PDT has offered two different options for the catch target, one accounting for the decline in the acceptable biological catch (ABC) and the other accounting for recreational catch as a percentage of total catch.

An advisor asked how likely the Council would consider slot limits and seasonal closures. The Chair noted they have used seasons for GOM cod and GOM haddock, but that the Council has never used slot limits and that he only knows of slot limits being used for striped bass which is managed by the Atlantic States Marine Fisheries Commission (ASMFC). He noted the data showed that catches declined and increased with changes from the 21" minimum fish size and so this might have an influence, but that changes in the bag limit won't impact catches unless it's a drastic cut. The advisor said he thinks a slot limit would make an impact in reducing catch, as well as closing wave 4 which accounts for 38% of catches. In response to a question Mr. Steinback clarified that they don't have estimates for wave 1 because no sampling occurs then. The Chair noted that the discard mortality assumptions are very different between GOM and GB cod and asked if there is a status update for ongoing research on this. Staff responded that the cod research track assessment is underway, which will look at research including research on discard mortality.

#### **Motion #1: Tower/Gibson**

The Recreational Advisory Panel recommends to the Groundfish Committee Georges Bank cod recreational management measures as:

- Slot limit 24 in to 28 in fish size
- 10 fish bag limit
- Closed season July and August (Wave 4)

*Discussion on the Motion:* One advisor was concerned about the slot limit and a ten fish bag limit, saying there will be a lot of catch and release as people try to catch the bag limit, and suggested maybe a bag limit of five fish would result in less dead discards, since fish over the 25” size are potentially more prolific breeding fish. He explained this is from his experience with people fishing in his area, that once they catch their cod limit they move to a different area to reduce pressure. In response to a question about the rationale for the slot limit relative to spawning potential, the maker of the motion said that 28” fish are viable for spawning and below that size some fish aren’t spawning yet. He said the lower number was thrown out there and he could also see proposing 22” or 23”. The advisor also said he could propose a wave 4 closure for private anglers only since they contribute 90% of the catch, but another advisor thought this would cause a lot of debate and that the RAP should focus on the slot limit. Another advisor asked what the size at maturity is for GB cod, and staff answered that it’s 16-24” with 100% of fish spawning at 24”. An advisor asked with these three measures what would that mean for a new catch target. Mr. Steinback explained that he can’t analyze that since there isn’t a model for GB cod, but that from looking at the percent reduction in mortality from closing wave 4 and changing the size limit, this would result in a roughly 33% reduction in effort, which is what is needed to reach the catch limit. However, he cautioned this does not account for any angler behaviors just mentioned.

**Motion #1a to amend (as friendly):** Cunningham/Niland

The Recreational Advisory Panel recommends to the Groundfish Committee Georges Bank cod recreational management measures as:

- Slot limit 22 in to 28 in fish size
- 5 fish bag limit
- Closed season July and August (Wave 4)

*Discussion on the Motion:* One advisor said that since the data shows most people only catch two fish, he is not sure reducing the bag limit to five fish would have much effect, while another advisor said it would reduce discard mortality. The Chair said this depends on what area and wave they’re discussing, as he thinks there are different behaviors in different areas. He thought that reducing the bag limit will not affect overall catch but will remove directed trips, which are greater in certain waves. He said that a wave 4 closure would mostly affect people fishing to the east, and that combining wave 2 and 3 should account for the same proportion of catch as wave 4. Another advisor said the RAP needs to consider that they are proposing a recommendation to the Groundfish Committee who will be looking at the overall reductions required both for commercial and recreational fisheries, and said he would rather they err on the side of conservatism until GB cod numbers increase. Another advisor thought this is an option the Groundfish Committee could accept while not hurting the for-hire fishery too much, noting that during July and August there are lots of other fisheries open.

An advisor said he doesn’t like slot limits as he thinks they cause a lot of confusion and wouldn’t make much a difference in terms of catch since the fishery doesn’t catch a lot of larger fish. He does support a closed season during July and August as that alone should cause a large decline in catch. The Chair pointed out that from the data presented there aren’t many large fish caught, but they weigh more so they make a difference since the fishery is managed by weight. Another advisor said he also doesn’t like slot limits, referring to the slot limit measures for striped bass, and wanted to hear more justification for slot limits. He also said that since the bag limit doesn’t seem to make a difference in catch he would like to keep it at ten fish because this helps the for-hire fleet with bookings. One advisor explained that the reason for slot limits is that for cod the most harm is done by removing the large spawning fish, and he wants people to stay away from spawning fish. Another advisor said that all cod in both the Gulf of

Maine and Georges Bank spawn in February and March when they are not going to have customers out fishing then, and said that the larger fish have a higher discard mortality and so a slot limit would cause an unnecessary waste of fish. One advisor thought that if larger fish have a higher discard mortality, then they should encourage people to stay away from them. In response to a question Mr. Steinback said the slot limit change and change in the bag limit to five fish both make little difference in the estimate of catch reduction for this option, and though he doesn't have the combined effect of the size limit and bag limit change, it looks like potentially some small reduction compared to the option in motion 1.

One advisor wondered if they could propose short seasons similar to what is done with GOM cod as he thinks closing all of July and August will be hard for the fishery. Mr. Steinback said they do that, potentially starting the closed season late or ending early to leave time open during these months, though he noted this would be making lots of assumptions and will be difficult to analyze. Another advisor said he likes the idea of splitting waves so not all of wave 4 is closed. The Chair said he is also concerned about closing all of wave 4 and suggested considering closing a good amount of wave 3 when fishing for other species is open. The Chair also said the RAP may be putting the cart before the horse a bit as they are looking at measures to achieve a 73% reduction but have not yet recommended a catch target.

*Public Comment:* Jeff Viamari (charter fisherman) commented on the motion to close wave 4, saying that as a charter boat fishing west of of the Cape July and August is a busy time and this closure will dramatically affect fishing, and said he would propose a closed season for April-June when there are other species to fish for. On the slot limit he thought that 23" was a sufficient minimum size limit to avoid having too many discards.

#### **Motion #1b to substitute Motion #1a: Gibson/Sterritt**

The Recreational Advisory Panel recommends to the Groundfish Committee Georges Bank cod recreational management measures as:

- Slot limit 22 in to 28 in fish size
- 5 fish bag limit
- Closed season May 15 through July 31

*Discussion on the Motion:* One advisor asked if it's possible to look at catch for this time frame. Mr. Steinback responded that the catch data for GB cod is already very uncertain, and this will increase the uncertainty to go beyond waves and look at catch by month. Another advisor wondered if the Groundfish Committee would accept this recommendation for something with so much uncertainty. An advisor said that on Cox Ledge they can't fish much earlier than July because of dogfish. Another advisor agreed that while that is likely true, overall fishing occurs mostly in July and August.

*Motion #1b to substitute failed (3/5/0).*

#### **Motion #1c to substitute: Tower/XX**

The Recreational Advisory Panel recommends to the Groundfish Committee Georges Bank cod recreational management measures as:

- Slot limit 22 in to 28 in fish size
- 5 fish bag limit
- Closed season July and August (Wave 4) for private mode only
- Open for-hire

*Motion #1c to substitute **failed** for lack of a second.*

**Motion #1a to amend (as friendly):** Cunningham/Niland

The Recreational Advisory Panel recommends to the Groundfish Committee Georges Bank cod recreational management measures as:

- Slot limit 22 in to 28 in fish size
- 5 fish bag limit
- Closed season July and August (Wave 4)

*Discussion on the Motion:* Mr. Steinback said he thinks both motion #1 and #1a would get the reduction needed.

*Motion #1a **carried** on a show of hands (5/3/0).*

**Motion #1a as main motion:**

The Recreational Advisory Panel recommends to the Groundfish Committee Georges Bank cod recreational management measures as:

- Slot limit 22 in to 28 in fish size
- 5 fish bag limit
- Closed season July and August (Wave 4)

**Motion #1d to amend #1a:** Plaia/XX

The Recreational Advisory Panel recommends to the Groundfish Committee Georges Bank cod recreational management measures as:

- 22 in fish size
- 5 fish bag limit
- Closed season July and August (Wave 4)

*Motion #1d to amend **failed** for lack of a second.*

**Motion #1e to amend #1a:** Sterritt/Gibson

The Recreational Advisory Panel recommends to the Groundfish Committee Georges Bank cod recreational management measures as:

- Slot limit 22 in to 28 in fish size
- 5 fish bag limit
- To prioritize the closed season measure to achieve conservation goals, as:
  - First choice- May 1 to July 31 (Wave 3 and Partial Wave 4)
  - Second choice- July and August (Wave 4)

*Discussion on the Motion:* The maker of the motion explained that the first closed season is their preference based on concerns expressed through public comment, but if that cannot be done, they are

proposing a second choice for the closed season. Mr. Steinback said he can look at this but cautioned there will be more uncertainty.

*Motion #1e to amend **carried** on a show of hands (8/0/0).*

**Motion #1e as main motion:**

The Recreational Advisory Panel recommends to the Groundfish Committee Georges Bank cod recreational management measures as:

- Slot limit 22 in to 28 in fish size
- 5 fish bag limit
- To prioritize the closed season measure to achieve conservation goals, as:
  - First choice- May 1 to July 31 (Wave 3 and Partial Wave 4)
  - Second choice- July and August (Wave 4)

*Discussion on the Motion:* The Chair said that if this comes up a little short for the reduction in catch needed, they could include in the rationale that there are catches that occur in wave 1 even though it's not counted since no data is collected then. Mr. Steinback noted that none of these measures take into account changes in angler behavior and that there is still uncertainty with any option, but he doesn't think they are that far off from each other. Staff said part of the rationale could be that these measures are intended to promote GB cod stock rebuilding.

*Motion #1e **carried** on a show of hands (8/0/0).*

**Motion #2: Gibson/Tower**

The Recreational Advisory Panel recommends to the Groundfish Committee Option 3 (PDT memo)

Option 3 – 71 mt for FY2022-FY2024

The 3-year (CY2018-CY2020) average percentage of recreational catches relative to US fisheries total catches (20.6%) applied to the proposed FY2022 US ABC (343 mt) results in a GB cod recreational catch target of 71 mt.

*Discussion on the Motion:* One advisor asked that since the RAP just recommended measures that would meet the option 2 catch target in reducing catch by 73%, whether they would need to go through this exercise again with the option 3 catch target.

*Motion #2 **carried** on a show of hands (8/0/0).*

**Consensus Statement #1:**

The Recreational Advisory Panel expresses its disappointment to the Groundfish Committee that the Council did not direct the TMGC to renegotiate the quota for 2022 Eastern Georges Bank cod with Canada.

*Discussion on the Motion:* One advisor said he is supportive of this but wants to point out there is a formula for determining the allocation by area. Staff clarified that there is a process for renegotiating quotas, but they wouldn't discuss the allocations.

*Consensus Statement #1 passed* without objection.

### **Motion #3: Plaia/Tower**

While the Recreational Advisory Panel realizes that the Council has not yet addressed the management actions based on the findings of the Atlantic Cod Stock Structure Working Group, we would like to point out that the best available science says that the codfish we are catching off the south shore of Massachusetts, Rhode Island and New York are NOT from the Georges Bank stock.

*Discussion on the Motion:* The maker of the motion said his goal is to give the Council a little leeway if they don't want to recommend the full reduction given that stock structure may change. Another advisor pointed out though that this is the understanding of stock structure the Council has to work under at this time.

*Motion #3 passed* without objection.

#### Discussion:

Mr. Bellavance explained that the GAP discussed remanding the GB cod recommendation to the SSC and would like to hear from the RAP on this too. Staff provided an overview of the SSC remand policy memo and the GAP's motion recommending a remand.

One advisor asked if there is anything in the GAP motion pertaining to the four criteria for a remand. Staff explained the GAP made the argument that the SSC needed more information to follow the terms of reference, specifically for risk policy, and that they didn't have FY2020 data at the time. Staff said the GAP discussed the 2020 catch data, which shows an increase in recreational catches, that the minority report from the SSC is not available yet, and the GAP's rationale does not go point by point through the criteria. The advisor said he could support this motion hearing this explanation. Another advisor asked if the GAP is saying that the SSC came up with recommendations without the appropriate information needed, and staff explained that the GAP is saying the SSC did not have the socioeconomic information needed and didn't have the FY2002 catch report at the time. An advisor said he is having trouble supporting this and has lots of questions overall about how the SSC uses socioeconomic information. He also noted the minority report is from a small part of the SSC.

Mr. Pierdinock said there is a disconnect between what vessels see in the Southern New England area and what the assessment says because the trawl survey doesn't survey there. Ms. Jackie Odell (Northeast Seafood Coalition, GAP Vice Chair) said she strongly supports the motion, as she is concerned the SSC didn't have the information it needed and that the commercial GB cod catches don't reflect what's out there. She explained the GAP doesn't want to delay the action, and so the motion would have the Council accept whatever comes out of the SSC remand. In response to a question from the Chair, staff explained that this was done before with a previous remand but pointed out the Council could change its mind, and that they are not sure the Council will react the same to GB cod given its different stock status compared to those stocks remanded before.



**Motion #4:** Gibson/DePersia

The Recreational Advisory Panel supports the Groundfish Advisory Panel's request to the Groundfish Committee to recommend that the Council remand the Georges Bank cod ABC back to the Scientific and Statistical Committee for reconsideration of the position articulated by the minority at the SSC meeting. The new information on FY2020 catch data was not available to SSC. The remand request should be written to avoid delay of the FW (e.g. the Council will accept the SSC's OFL and ABC final recommendations once made and without objection for FY2022-FY2024).

*Motion #4 carried on a show of hands (5/2/0).*

**Motion #5:** Gibson/Tower

The Council should retain the authority to adjust recreational Georges Bank cod measures and it should be clarified the Georges Bank cod recreational catch target is to achieve but not exceed the target value.

*Motion #5 passed without objection*

**AGENDA ITEM #2: POSSIBLE 2022 COUNCIL PRIORITIES**

Staff provided an overview of the list of possible 2022 Council priorities for groundfish, as ranked by the Executive Committee and Council. Staff noted the GAP motion to remove work on a zero ACL for GB yellowtail flounder and to add development of a GB cod recreational sub-ACL and accountability measures (AMs). Staff explained that there were some priorities not recommended by the Executive Committee as priorities for next year, including incorporating the cod stock structure work and developing a recreational angler permit and reporting for GB cod.

Discussion:

One advisor wanted to add to the recommendation for incorporating the cod stock structure work to specifically work on separating out the GB stock from the SNE stock. The Chair said he thinks moving forward with a permit and reporting for GB cod is the first step, and once the cod stock structure work begins they will likely find no recreational catch in the GB stock area.

**Consensus Statement #2:**

Add in "begin adjustments to management measures needed as a result of revised understanding of cod stock structure. This may require an amendment."

*Discussion on the Motion:* The motion first included a recommendation to also develop a recreational angler permit with cod reporting requirements, but there was not support for this item given questions about how this would fit in with current saltwater permit requirements.

*Consensus Statement #2 passed* without objection.

**Motion #6:** Plaia/Tower

The RAP does not support a GB cod recreational sub-ACL until the Council addresses the results of cod stock structure working group.

*Motion #6 passed* without objection

The RAP meeting adjourned at approximately 2:13 p.m.