



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

DRAFT MEETING SUMMARY

Groundfish Advisory Panel Meeting

DoubleTree by Hilton, Danvers, MA
August 30, 2016

The Groundfish Advisory Panel met on August 30, 2016 in Danvers, MA to: 1) Review the draft alternatives for Framework Adjustment 56 (specifications and management measures) and make recommendations to the Groundfish Committee; 2) Discuss and summarize recent market and fishery information regarding groundfish stocks; 3) Discuss the PDT's draft white paper on monitoring strategies and make recommendations to the Groundfish Committee; 4) Discuss perspectives on the 2010-2011 dockside monitoring program; 5) Discuss and make recommendations to the Groundfish Committee on groundfish management priorities for 2017; and 6) Discuss other business, as necessary.

MEETING ATTENDANCE: Ben Martens (Chairman), Jackie O'Dell (Vice Chair), Maggie Raymond, Hank Soule, Michael Russo, Geoff Smith, and Richard Canastra (absent: Bonnie Brady, Jim Odlin, Paul Parker, and Edward Snell); Dr. Jamie Cournane and Maria Jacob (NEFMC staff). In addition, approximately four members of the public attended, including Terry Alexander (Groundfish Committee Chair) and Aja Szumylo (NMFS GARFO staff).

The GAP meeting began at 10:10am, and Mr. Martens (GAP Chair) introduced the agenda with no changes.

KEY OUTCOMES:

- Briefly list key outcomes of the meeting, such as the major motions.

PRESENTATION: FRAMEWORK ADJUSTMENT 56, DR. JAMIE COURNEANE

Dr. Cournane presented the alternatives for Framework Adjustment (FW) 56, and clarified that the accountability measures (AMs) for the Georges Bank haddock would be developed in a separate action.

AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 56

In response to questions raised by Ms. Raymond, Dr. Cournane explained that options regarding the sub-ACL for haddock include an increase in the sub-ACL for the midwater trawl herring fishery of up to 2% of the US ABC for Georges Bank haddock. Dr. Cournane explained that if

the herring fishery exceeds its sub-ACL of 1%, 1.5%, or 2%, the AMs for Georges Bank haddock overage include a fishery shut-down on Georges Bank for the directed herring fishery.

1. **Motion 1** (Russo/Odell): The Groundfish Advisory Panel recommends to the Groundfish Committee that any increase in the Georges Bank haddock sub-ACL from the current level of 1% for the mid-water trawl Atlantic herring fishery be subject to leasing.

Rationale: These fish are being taken away from the groundfish fishery and should be subject to leasing. Benefits for the groundfish fishery need to be realized if these would lose access to more of the ACL.

Motion 1 **withdrawn** by the maker.

Advisory Panel Discussion on the Motion:

Mr. Russo raised concern with setting a precedence to allocate additional groundfish quota to the herring fishery while the groundfish industry continues to be adversely impacted by the current groundfish allocation system. He recommended that any increase in the sub-ACL above 1% of the ABC should be a leased quota from the groundfish industry, because the herring fishery is allocated haddock without meeting the qualification criteria for haddock. Mr. Smith agrees with Mr. Russo's sentiment regarding leasing of additional quota.

Ms. O'Dell stated that the implementation of allocations for the subcomponents predates the allocation of groundfish stocks for the groundfish fishery, the allocation and AM was part of a groundfish action and that there is concern that without a sub-ACL, and there are no AMs for non-groundfish fisheries. Ms. Raymond recommended that the GAP continue a broader discussion regarding allocations to other components of the fishery for all groundfish stocks. In addition, Ms. Raymond encouraged the GAP to consider the needs for the herring fishery to operate efficiently.

Ms. Odell stated that it is important for the groundfish industry to recognize how these stocks are allocated to the other fisheries. In addition, the leasing market for the groundfish industry is very difficult, and there are other fisheries more profitable than the groundfish industry, so leasing quota to other fishing industries could be complex and increase leasing competition (e.g., more profitable industries could create leasing disadvantages to the groundfish industry). Mr. Russo stated that an increase in the sub-ACL up to 2% would limit leasing activity.

Public Comment: None.

2. **Motion 2** (Raymond/Russo): The Groundfish Advisory Panel recommends an increase in the sub-ACL for Georges Bank haddock in the mid-water trawl Atlantic herring fishery from 1% to 2%.

Rationale: The mid-water trawl Atlantic herring fishery needs to operate. Last year there was significant economic loss in the lobster fishery, due to the impact on the bait market. We need to be realistic.

3. **Motion 2a** as friendly amended (Raymond/Russo): The Groundfish Advisory Panel recommends an increase in the sub-ACL for Georges Bank haddock in the mid-water trawl Atlantic herring fishery from 1% to 2% (not to exceed 2%).
4. **Motion 2b** as further friendly amended (Raymond/Russo): The Groundfish Advisory Panel recommends an increase in the sub-ACL for Georges Bank haddock in the mid-water trawl Atlantic herring fishery from 1% to 2% (not to exceed 2%) and this percentage would be re-evaluated in the 3-year specification process.

Motion 2b **carried** on a show of hands 6/0/0.

Advisory Panel Discussion on the Motion:

Ms. Odell stated that the midwater trawl exemptions to fish in the groundfish closed areas was implemented largely due to the expectation that these vessels would not encounter groundfish during harvest of herring. Dr. Cournane stated that although there is a higher limit for the haddock sub-ACL, the groundfish fishery is having difficulty finding the haddock.

Ms. Raymond stated that there should be a process to adjust the percentage allocated to the herring fishery in the future, and the percentage allocated to the herring fishery should be based on the status of the haddock stock, and re-evaluated every three years using stock assessment information.

Public Comment: None.

5. **Motion 3** (O'Dell/Soule): GAP supports a dual percentage baseline approach for a scallop fishery sub-ACL for northern windowpane flounder under Framework 56.

Rationale: A fixed percentage, rather than a projected "need", holds the scallop fleet accountable to an annual sub-ACL that is consistent with the treatment of the commercial groundfish fishery. This approach is also considerate of the years when rotational management likely shifted scallop fishing effort within the northern windowpane stock area.

Advisory Panel Discussion on the Motion:

Mr. Soule asked if the same process for allocating additional percentage to the scallop fleet also applies to the herring fleet. Ms. O'Dell stated that the groundfish fleet is held accountable to the scallop fleet's overage because they do not have a sub-ACL for northern windowpane flounder. In this way, the scallop fleet would be held accountable to its overage through an AM. Ms. O'Dell provided clarification regarding the allocation scheme for the other subcomponents to the groundfish fishery catches. Ms. Raymond suggested a cap on the percentage of ABC allocated to the scallop fleet under the dual fixed percentage approach.

Public Comment: None.

6. **Motion 3a** to amend (Raymond/Russo): The Groundfish Advisory Panel supports a dual fixed percentage baseline approach for a scallop fishery sub-ACL for northern windowpane flounder under Framework Adjustment 56, with the high value capped at 50%.

Motion 3a to amend **carried** on a show of hands 5/0/1.

Motion 3a as the main motion **carried** on a show of hands 5/0/1.

7. **Motion 4** (O'Dell/Raymond): The Groundfish Advisory Panel supports the SSC recommendation of FY 2017 – FY 2018 GB YT ABC should not exceed 354 mt.

Rationale: 354 mt is consistent with the present ABC and holds to prior recommendation for a constant quota approach FY 2017. The assessment remains highly uncertain and based upon one year worth of survey results. Catch appears not to be limiting the stocks efforts to rebuild – other environmental factors could be more important. Catchability research results have yet to be considered for the assessment. FY 2015 catch reveals the fleet's avoidance as intended by the low ABC.

Motion 4 **carried** on a show of hands 4/0/2.

Advisory Panel Discussion on the Motion:

There are preliminary results from the cooperative research project on F/V Karen Elizabeth looking at side-by-side comparison between chain and rockhopper sweep.

Dr. Cournane stated that using the constant quota approach would be 354mt, but the TRAC recommended only one approach rather than both approaches. The Diagnostic and Empirical Approach Benchmark approach recommended by the TRAC include a quota of 245mt.

Public Comment: None.

8. **Motion 5** (Raymond/Odell): The Groundfish Advisory Panel requests the Groundfish Committee to recommend that the Council urge the State of Maine to adopt halibut possession restrictions consistent with federal regulations, i.e. one fish possession or no possession.
9. **Motion 5a** (Raymond/Odell): To table Motion 5 until after lunch.

Motion 5a to table **carried** on a show of hands 6/0/0.

Advisory Panel Discussion on the Motion:

Dr. Cournane explained that halibut catches from other states should also be evaluated. In addition, the catch advice for halibut is based on an older assessment, and there is information to show the stock structure may require further evaluation.

The GAP is concerned with the lack of an updated halibut stock assessment to reflect the current situation, an improved stock condition based on recent catch trends.

10. **Motion 6** (Odell/Raymond): The Groundfish Advisory Panel recommends that the Groundfish Committee request that the SSC reconsider the FY 2017 – FY 2018 Atlantic halibut OFLs/ABCs based upon recent catch rates and new information that differ greatly from the evaluation in 2015.

Rationale: 1) Recent data is indicating a different signal of abundance for Atlantic halibut than considered during the Stock Assessment Update of 20 Northeast Groundfish Stocks through 2014, including the peer review reports for each stock (NEFSC, October 2015); 2) The 2015 updated assessment did not accept the model as a scientific basis for catch advice. The model produced an unstable and unrealistic solution. Therefore, an alternative approach was recommended as a basis for catch advice; 3) The Assessment

Oversight Panel recommended that the alternative basis for catch advice should be status quo catch. However, considering that status quo catch was produced with low trip limits, and the increase in recent discards suggest greater availability, the Operational Assessment Panel recommended that the overfishing limit be based on status quo OFL (198 mt) rather than status quo catch; 4) The present OFL / ABC is based upon a constant status quo OFL for three years (FY 2016-2018); and 5) This recommendation is based upon data and assumptions that appear to not be aligned with the present reality.

Motion 6 **carried** on a show of hands 6/0/0.

Motion 7 (Raymond/Odell): The Groundfish Advisory Panel recommends that the Groundfish Committee endorse a Council letter to the Maine Department of Marine Resources that expresses concerns about the large increase in halibut catch (2015 catch double recent history), and the impact on federally permitted groundfish permit holders of halibut accountability measures. Recommendations to control catch to recent levels (i.e., no more than 25 mt), improve timeliness of reporting, and prohibit sale without a dealer permit.

Advisory Panel Discussion on the Motion:

Mr. Soule raised concern that a proposed limit on dealer permits may be beyond the scope of the GAP's concerns. One GAP member suggested that the state of Maine should consider use of the Elver swipe card to track halibut landings.

11. **Motion 7a** as friendly amended (Raymond/Odell): The Groundfish Advisory Panel recommends that the Groundfish Committee endorse a Council letter to the Maine Department of Marine Resources that expresses concerns about the large increase in halibut catch (2015 catch double recent history), and the impact on federally permitted groundfish permit holders of halibut accountability measures. Recommendations to control catch to recent levels (i.e., no more than 25 mt), improve timeliness and accuracy of reporting.

Motion 7a **carried** on a show of hands 6/0/0.

12. **Motion 8** (Raymond/Canastra): The Groundfish Advisory Panel recommends that the Groundfish Committee prioritize a reconsideration of the groundfish sub-ACL allocation process including state waters and other sub-components, as a priority for 2017.

Rationale: The practice of taking groundfish catch off the top for State water and other federal fisheries, leaving the balance of allocation to the directed groundfish fishery, is not fair, particularly when State water and other federal fisheries are not subject to accountability measures.

Motion 8 carried 6/0/0.

Advisory Panel Discussion on the Motion:

Ms. O'Dell stated that expected catch is considered when allocating catch for the various sub-components. The groundfish fishery is held accountable for its catches, and this is not the case for other sub-components. Ms. O'Dell stated that the process for sub-dividing the ABC to other subcomponents is problematic when the state continues to harvest halibut at high rates, and supports a policy that provides incentive for the state to reduce its halibut catches.

AGENDA ITEM #2: MARKET AND FISHERY INFORMATION

Dr. Cournane presented a draft risk policy matrix for witch flounder, based on 2015 operational assessment. Dr. Cournane sought GAP member input on other relevant information for the risk policy matrix for witch flounder.

Advisory Panel Discussion on the Motion:

Ms. Raymond and Ms. O'Dell stated that groundfish industry members are skeptical of the age structure information for witch flounder, and had questions on how this information is incorporated into the model. It is not clear what causes the truncated age structure. Mr. Alexander clarified that the small fish can be up to 9 years old, and reproduction takes place when fish are between 4 and 6 years old. Ms. O'Dell stated that the calibration factor for the Henry Bigelow and Albatross IV is significant. The Bigelow is also not catching witch flounder in its net, which does not reflect anecdotal fishery information. In addition, management measures were consistent during those years that displayed a significant and unexplained retrospective pattern for the witch flounder assessment.

Ms. O'Dell stated that it is challenging to make recommendations on an appropriate allocation for halibut without a revised stock assessment. The state of Maine's landings in 2016 is higher than their catch for 2015, which is likely to be higher than the ABC.

Dr. Cournane stated that addressing the halibut AM measures through FW56 or a follow-up action is possible, similar to the windowpane AM measures.

Mr. Alexander asked if the AM area could be adjusted. Dr. Cournane stated that redesigning the halibut AM area is time-consuming. Ms. Raymond stated that the AM area used to account for a 10mt overage would adversely impact the groundfish fishery. The GAP is interested in knowing the size, location, and magnitude of halibut catches.

13. **Motion 9** (Raymond/Odell): The Groundfish Advisory Panel requests that the Groundfish Committee reconsider the halibut AMs – in FW 56 or the next available action if FW 56 would be delayed and therefore a priority for 2017 - depending on the size and magnitude of the overage of the ACL including the size, duration, and location of GRAs.

Motion 9 **carried** on a show of hands 5/0/0.

Advisory Panel Discussion on the Motion:

Ms. Raymond stated that evaluating the assumption regarding 100 percent mortality for halibut caught may not be immediately pertinent. The fishery needs a timely allocation for witch flounder, so the FW 56 should not be delayed.

AGENDA ITEM #3: GROUND FISH MONITORING ACTION, DR. JAMIE COURNEANE

Dr. Cournane provided an overview of PDT work on the groundfish monitoring action, based on Committee tasking. Dr. Cournane summarized the PDT's perspectives regarding the consideration of any new DSM program.

Advisory Panel Discussion on Groundfish Monitoring

Ms. Raymond recommends the development of a process to reconcile the VTR reporting discrepancies. The monitoring program should be streamlined so that it is not duplicative in the information collected. If the information is collected, then the information should also be used. Ms. Raymond suggested a more streamlined cost-effective program for dockside monitoring that mainly focuses on enforcement. Mr. Alexander stated that the dockside monitor should verify the data being reported by the dealer. Mr. Russo stated raised concern with roving monitors that increased costs and is not efficient.

Mr. Martens stated that the cost for a dockside monitoring program in remote ports is significantly higher than other ports. Mr. Soule stated that dockside monitoring is an enforcement tool, with additional costs, and it may not be the most cost-effective way to verify accurate landings. There are other sources of data to verify landings (e.g., observer data). Mr. Soule asked if NMFS could explore data evaluation process.

Public Comment:

Josh Wiersma (Environmental Defense Fund) responded to Mr. Soule question regarding an explanation of the difference between accuracy of data versus precision of data. Mr. Wiersma stated that precision is pertinent for confidence in the information recorded (more pounds of fish observed), and that accuracy is pertinent for accurate landings information and accounting for misreporting, and comparing information collected at-sea to information reported through VTRs for accurately.

Ms. Raymond stated that the fishing industry expected higher coverage rates would improve the outcome of stock assessments, and it has not. Ms. Raymond asked what percentage is needed to improve the assessments. Ms. O'Dell stated that under Appendix A for the White Paper, it is important to know how and where in the assessment process the data is used for biomass estimates.

Public Comment:

Josh Wierma (Environmental Defense Fund) asked for clarification on outcome from Mr. Demarest's work on observer bias. Dr. Cournane clarified that Mr. Demarest's reported work was preliminary, and would focus on the management uncertainty buffer. Mr. Alexander stated that under the days-at-sea system, there were no incentive to stop fishing and return home, regardless of the weather, and it may not be an indication of an observer bias. Under the sector system, there is incentive to switch areas and return home in order to reduce bycatch rates.

Dr. Cournane stated that it would be important for the Committee to clarify whether they would be interested in maximized retention if a DSM program were developed. Mr. Alexander stated that full retention may not be a feasible option for a dockside monitoring program. The undersized fish, if not gutted at-sea, may ruin the quality of landed fish, and it is operationally difficult to dress and retain small fish.

AGENDA ITEM #4: DISCUSS 2017 GROUND FISH PRIORITIES

Dr. Cournane stated that monitoring action is currently under the annual priorities list.

14. **Motion 10** (Odell/ Smith): As a priority for 2017, the Groundfish Advisory Panel supports continuing the action to adjust the groundfish monitoring program including but not limited to catch accuracy and precision goals and review of the ASM/CV standard. Motion 10 **carried** on a show of hands 5/0/0.

Advisory Panel Discussion on the Motion:

The GAP expressed concern regarding the use of trawl gear to survey Atlantic halibut, and suggested that a longline survey may be more efficient. The halibut fishery in Nova Scotia shows that the halibut stock status is likely improving.

15. **Motion 11** (Raymond/Soule): The Groundfish Advisory Panel recommends that the Committee advise that the Council should review the exempted fisheries under annual or other review requirements currently in place in the regulations.

Rationale: An example from the regulations was provided as,

6) *Cultivator Shoal Whiting Fishery Exemption Area.*

(iii) *Annual review.* The NEFMC shall conduct an annual review of data to determine if there are any changes in area or season designation necessary, and to make appropriate recommendations to the Regional Administrator following the procedures specified in §648.90.

Motion 11 **carried** on a show of hands 5/0/0.

The Groundfish Advisory Panel meeting adjourned at approximately 4:15 p.m.