



New England Fishery Management Council

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Eric Reid, *Acting Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Groundfish Committee

Webinar

August 18, 2021

The Groundfish Committee (Committee) met on August 18, 2021, via webinar to discuss and make recommendations on: 1) Preliminary discussion of possible 2022 Council priorities for groundfish; 2) Framework Adjustment 63/Specifications and Management Measures; and 3) Other business, as necessary.

MEETING ATTENDANCE: Rick Bellavance (Chair), Pete Christopher (Greater Atlantic Regional Fisheries Office (GARFO)), Libby Etrie, Matt Gates (proxy for Peter Aarrestad), Mark Godfroy, Melanie Griffin (proxy for Dan McKeirnan), Scott Olszewski, John Pappalardo, Eric Reid, Dan Salerno, Mike Sissenwine, and Megan Ware (proxy for Patrick Keliher); Dr. Jamie Cournane and Robin Frede (New England Fishery Management Council (NEFMC) staff); and Mitch Macdonald (NOAA General Counsel (NOAA GC)). In addition, approximately 22 members of the public attended, including Dan Caless, Mark Grant, Kyle Molton, Spencer Talmage (GARFO); Chris Kellogg, Tom Nies, Jonathon Peros, and Janice Plante (NEFMC staff).

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated August 11, 2021; (2) Agenda; (3) 2021 Council Priorities; (4a) Framework Adjustment 63/Specifications and Management Measures - Draft alternatives outline; (4b) Groundfish PDT to SSC re GB yellowtail flounder OFLs and ABCs, including a memo from the Scallop PDT to the Groundfish PDT; (4c) Plan Development Team Presentation; (5) Groundfish Committee meeting motions, August 6, 2021; and (6) Correspondence.

The meeting began at approximately 9:30 a.m.

KEY OUTCOMES:

- The Committee made recommendations for possible items to add to the list for discussion of 2022 Council priorities (listed below).
- The Committee tasks the Groundfish Plan Development Team (PDT) to provide a list of current tools being used for Gulf of Maine (GOM) cod which are intended to reduce mortality and promote rebuilding of GOM cod in both the commercial and recreational fisheries.
- The Committee tasks the Groundfish PDT (PDT) to provide a list of current tools being used for Southern New England/Mid-Atlantic (SNE/MA) winter flounder which are intended to reduce mortality and promote rebuilding of SNE/MA winter flounder in both the commercial and recreational fisheries.

OTHER BUSINESS

The Chair requested that Mr. Christopher begin with a brief overview of the letter from GARFO on inadequate rebuilding progress for GOM cod and SNE/MA winter flounder received by the Council this week. Mr. Christopher provided an overview and answered questions about the rebuilding letter.

Questions and Comments:

One Committee member had questions about the recruitment assumptions used as criteria for both stocks, noting that recruitment being very low is recognized as new unexpected information, and asked what happens in the next evaluation if recruitment is still low what other information could be considered then. She asked when the biological reference points (BRPs) would be adjusted, and also asked whether there is an ability to look at short term recruitment versus long term recruitment as she thinks this will be important to consider in the plan for reconsidering the BRPs. Mr. Christopher responded that recruitment is something the agency would look at to understand future expectations about rebuilding but said he can't answer what will be considered unexpected in the future as GARFO will have to consider the total summary of information available. Staff added that the Council is talking about other factors affecting rebuilding, one being recruitment, and that the challenge is asking at what point they can extend beyond the 10-year rebuilding timeline, noting that it will take time to understand the biology of the stock and how long rebuilding might take. Mr. Nies noted that there are standard terms of reference for research track and management track assessments that are identified on the Council website, including that they are required to look at other factors and determine appropriate methods for stock projections including recruitment. Another Committee member said he thinks the agency is wrong in its interpretation about evaluating rebuilding criteria, as a lack of rebuilding doesn't seem to be unexpected for these stocks, and pointed out that no one yet has put forward analysis on what is wrong with rebuilding these stocks and how to address it, and so the Council may not have enough information to make specific recommendations. Mr. Christopher pointed out that the rebuilding review process was built into FW53, specific to GOM cod, with the criteria that if fishing mortality isn't exceeded but rebuilding is not occurring then the Council is expected to look at other factors.

A Committee member asked what additional information the agency has on potential benefits of additional spawning protections and whether there has been any new research. Mr. Christopher responded that while he does not have any new specific information, the consideration of additional spawning protections was included in the letter because there are things the Council could do to adjust the seasonal closed areas for cod protections. He explained that GARFO does not think setting the fishing mortality rate is sufficient for rebuilding GOM cod and SNE/MA winter flounder, and the Council will need to do other things to address rebuilding. He added that SNE/MA winter flounder is more challenging because it doesn't seem there are a lot of management measures that could be created, as there is something going on with the stock related to the environment making this more challenging than cod rebuilding. A Committee member said that in Southern New England there are a lot about other factors affecting SNE/MA winter flounder especially in state waters including loss of habitat and predation by cormorants, and is not sure what the agency can do about these factors. One Committee member said that there have been spawning closures in place for four decades and they haven't necessarily seen the benefit of those, and she thinks perhaps the Council should look at other things, for example, noise impacts on cod spawning and whether the Council should consider closing spawning areas completely to all fishing. Mr. Christopher agreed that GARFO is asking if the spawning closures cover enough area or whether there are there too many exemptions and more could be done. He pointed out that GARFO is asking the Council to create new rebuilding measures to get cod on track but is not suggesting the Council should look at the fishery management plan (FMP) and figure out what to do to create a new management program, that this is more about considering adjustments that can be done in a framework action.

A Committee member asked how this work fits in with the cod stock structure work and wondered if there had been any discussion of what areas rebuilding applies to if stock boundaries change. Mr. Christopher answered that the Council will have to think through cod stock structure both in terms of the assessment side and management side, and that the agency hasn't thought about how they would redefine the rebuilding program for cod based on the new stock structure. He acknowledged the timing is difficult as the Council is required to do something to adjust rebuilding within two years but it will take time for the Council to make recommendations on stock structure, but GARFO is concerned that if the Council waits until the stock structure recommendations then the work on rebuilding will be delayed. The Committee member said she understands the Council can't delay on the rebuilding plan but thinks it will be important to determine the stock areas they will be working on, and asked if there is an example of a different stock in a similar situation. Mr. Christopher pointed to shifts to the management areas for herring that may be somewhat similar though herring was not under rebuilding plan at the time, and said he will look at other regions to see if there are any similar situations. Another Committee member asked to clarify the timeline, pointing out that while the letter says rebuilding plan adjustments should occur within two years by August 2023, it also says changes to the rebuilding plan and management measures should be done in time for May 2023. Mr. Christopher said that GARFO is concerned about any recommended changes in rebuilding measures and wouldn't want to adopt these mid fishing year.

A Committee member noted that one recommendation in the letter is for selective gear requirements and asked whether there is a list somewhere of all the selected gear available and whether GARFO has any specific thoughts about gear requirements. Mr. Christopher answered that GARFO doesn't have specific ideas but will follow up with the groundfish staff to see if they have anything specific and noted the PDT will be talking about this issue too. He said GARFO is supportive of developing new gear but that these are suggestions provided in the letter and not something the Council is required to do. The Committee member added that selective gear is a challenge for SNE/MA winter flounder and that the haddock separator and rulle trawl are better suited for GOM cod. Ms. Griffin noted experimental work being done on the off bottom trawl and five point separator trawl, and offered to share the report from the Massachusetts Division of Marine Fisheries (MADMF) conservation technology division on the off bottom trawl work with the Committee.

AGENDA ITEM #1: POSSIBLE 2022 COUNCIL PRIORITIES

Staff referred to the list of 2021 Council priorities and explained that at today's meeting they would get initial ideas for additional priorities for 2022, and at a later meeting the Committee will rank the priorities. The Chair directed the Committee to go one by one to recommend additional priorities to the list of possible 2022 Council priorities.

Discussion:

Possible items to add to the list for discussion of 2022 priorities. In no order of priority.

Item	Focus- i.e., overall, commercial, recreational	Annual or Multi-Year	Suggested by
Rebuilding plans for GOM cod and SNE/MA winter flounder	Overall	Annual/Multi	Eric Reid

Revise the small vessel category trip limits – tied to changes in catch limits / changes in stock size	Commercial	Annual	Dan Salerno
Develop metrics to be used in the review process that will evaluate the monitoring system, as per Amendment 23	Commercial	Annual	Libby Etrie
Review new research on spawning and recruitment that impact rebuilding – focus on GOM cod and SNE/MA winter flounder	Overall	Multiyear	Scott Olszewski
Develop a protocol for timely review and revision, as appropriate, of biological reference points relative to prevailing environmental conditions.	Overall	Multiyear	Mike Sissenwine
Examine vessel upgrade restrictions for horsepower and length for sector vessels [possible white paper]	Commercial	Annual	Megan Ware
Develop a recreational angler permit with reporting requirements for cod	Recreational	Annual/Multi- Year?	Mark Godfroy

AGENDA ITEM #2: FRAMEWORK 63/SPECIFICATIONS AND MANAGEMENT MEASURES

PRESENTATION: FW63, DR. COURNANE

Staff provided an overview of development of FW63, including the range of alternatives and recent PDT discussion on developing the alternatives. Specifically, the PDT had discussed recommendations for Georges Bank (GB) yellowtail flounder specifications, bridge year catch estimates GB cod, Gulf of Maine cod, and white hake, and the Committee tasking motions and plan to address these in the coming weeks. The goal for the Committee was to discuss and make recommendations on draft measures for the PDT to develop.

Questions and Comments on the Presentation:

One Committee member asked if the year-end catch numbers are available yet to guide discussions on sub-components. Staff answered that they do not have the year-end report yet, and that it can be available sometimes as early as August or as late as October. Mr. Christopher added that GARFO is aiming to have that available by the September Council meeting and that the delay is partly due to a glitch with confirmation of state fisheries data. Another Committee member asked about the differences between federal and state management of winter flounder. Staff explained that the Council has a federal management plan for winter flounder in which state management information is used in the calculation of ACLs, and that the states have their own management system that the Atlantic States Marine Fisheries Commission (ASMFC) manages which is not a joint plan.

Motion #1: Etrie/Reid

The Groundfish Committee tasks the Groundfish Plan Development Team (PDT) to provide a list of current tools being used for Gulf of Maine (GOM) cod which are intended to reduce mortality and promote rebuilding of GOM cod in both the commercial and recreational fisheries. This analysis would include both Habitat and Groundfish Regulatory Actions. The PDT should specify how these tools apply to different fisheries. (e.g., commercial, recreational and or other fisheries).

Discussion on the Motion: The maker of the motion explained the rationale for the tasking is to build upon the motion made at the last Committee meeting on rebuilding now that the rebuilding letter has been received. She explained the intention is to provide more information on the many regulatory actions on cod in groundfish actions and habitat amendments in order for the Committee to think about how to respond to the agency's letter on rebuilding, including summarizing what has already been done for cod rebuilding and possibly looking at new research or considering additional components of management. Staff suggested the information that has been presented for the cod stock structure management workshops as a general inventory of all the tools used for cod management could be helpful to address this motion, and asked to clarify if this request is for a list/table of management measures and which fisheries they are apply to. The maker of the motion confirmed this and added that while she did not know of any new spawning research, she thought the Council does need to consider that spawning closures have in place for decades without helping rebuilding, and that noise research might suggest they shouldn't allow other fishing to continue in closed areas if it could be impacting spawning. Staff explained the PDT will be developing the No Action that goes into the management description and can start with what has been presented in the cod stock structure management workshops before getting into more detail. A Committee member asked if there have been any white papers before on cod spawning. Staff answered that the last action that looked at cod spawning was FW53, and also noted information coming from the cod structure working group including studies on cod behavior and papers looking at closures and whether these have been effective. The Committee member noted that there were alternatives for closures the Council didn't select and asked whether the PDT will go back and evaluate the choices the Council didn't make. Staff responded that the PDT could look at FW53 and the habitat amendment to look at the options that weren't selected.

Public Comment: Ms. Jackie Odell (Northeast Seafood Coalition) asked if in the general overview about what has been done for cod rebuilding, whether the Council would consider pending actions like Amendment 23 which includes monitoring analyses and concerns about cod and how monitoring may promote rebuilding of GOM cod. She supported the motion to provide an inventory of management measures on cod rebuilding. The maker of the motion thought the Council would consider pending actions like Amendment 23. Mr. Geoff Smith (The Nature Conservancy and Council member) said he is supportive of this inventory and recognizes the cod stock structure management workshops will be helpful. He also recalled the Council had prepared a response to the Conservation Law Foundation (CLF) petition on cod, which could perhaps be included.

Motion #1 carried by consensus and without objection.

Motion #2: Salerno/Sissenwine

The Groundfish Committee tasks the Groundfish PDT (PDT) to provide a list of current tools being used for Southern New England/Mid-Atlantic winter flounder which are intended to reduce mortality and promote rebuilding of Southern New England/Mid-Atlantic winter flounder in both the commercial and recreational fisheries. This analysis would include both Habitat and Groundfish Regulatory Actions. The PDT should specify how these tools apply to different fisheries. (e.g., commercial, recreational and or other fisheries).

Discussion on the Motion: The maker of the motion explained that the rationale is similar to the previous motion, in that the Council has taken various actions that haven't have impacted SNE/MA winter flounder rebuilding and they need to understand what was done for rebuilding in the habitat amendment, follow-up clam dredge framework, and groundfish actions. One Committee member asked if this would focus on federal management measures or include state management measures too. The maker of the motion

responded that federal regulations are the priority but thought that state regulations if readily available could be included as a secondary tasking. Staff added that they can summarize both GOM cod and SNE/MA winter flounder measures by state as a secondary tasking since there are state management PDT members who can provide this information. Ms. Ware noted that ASMFC has a summary of winter flounder management on their website that could be helpful but agreed this is a lower priority. Ms. Griffin offered to provide the state fishery compliance reporting for Massachusetts state waters winter flounder and a state cod management summary.

*Motion #2 **carried** by consensus and without objection.*

Discussion:

Ms. Maggie Raymond (Associated Fisheries of Maine) asked staff when the PDT discussed catch statistics for GB cod and noted the recreational fishery had exceeded the target, if the PDT had looked at the effectiveness of current management measures for GB cod, such as whether the bag limit is keeping catches within the target. Staff replied that the PDT has not done that, noting that the catch estimate provided for the assessments is by the calendar year and not the fishing year, and so catches may not be above the target. Staff said the PDT did discuss that the catch target was based on old Marine Recreational Information Program (MRIP) numbers realizing that new MRIP numbers result in higher catch and had cautioned again basing the target on the old MRIP number. Ms. Odell asked whether in the PDT's review of catch estimates if they audit the MRIP data, given concerns about reliability of MRIP data during discussions on the GB catch target that occurred in FW59 development. Staff explained that at the Assessment Oversight Panel (AOP) meeting there was a feeling that 2020 is a different year given COVID changes to sampling, and that MRIP is working through this to come up with estimates for this year. Staff added that the PDT is looking into 2020 and 2021 catch estimates in detail and is hoping to provide this to the Scientific and Statistical Committee (SSC) in the fall along with more information from MRIP on estimates for this year.

Mr. Mike Pierdinock provided comments on the status of cod, noting that the recreational GOM cod sub-ACL has not been exceeded for several years, and that the fishery had a zero fish bag limit and then has had a one cod bag limit for a limited time. He said that both private anglers and the for-hire fleet are encountering more cod and are moving to avoid them and reduce discards, saying that conservation measures are working. He suggested the Council could consider the MADMF haddock congregation maps to avoid cod in state waters as something that could be done on the federal side, and said he has discussed the idea of a phone app for private recreational anglers to report cod as a way to provide a better data set beyond MRIP. Mr. Pierdinock noted other possible measures that could include a prohibition on the use of treble hooks and promoting the use of circle hooks. He said that while the for-hire fleet now has eVTR reporting to make reporting much easier, there have been frustrations that the VTR data is only used for effort data and not stock information for the assessments, and suggested perhaps there could be observed trips to determine reporting consistency as an audit to determine if the data can be used in assessments. He also said that the for-hire fleet would like to consider separate measures and bag limits for vessels that partake in higher monitoring levels. One Committee member asked about the timeline for other Committee meetings before December final action to think about and refine potential recreational measures. Staff explained that there is one meeting scheduled prior to the September Council meeting along with a Groundfish Advisory Panel (GAP) and Recreational Advisory Panel (RAP) meeting the day before, in which staff will bring updates on development of the rebuilding and default specifications measures, and after which the Committee will have several meetings to continue discussing FW63 measures development.

AGENDA ITEM #3: OTHER BUSINESS

One Committee member thought it might be helpful to have a reminder of the priority setting process, particularly for the new Council members attending the meeting today. Staff explained that following the initial discussion today they will forward the list to the master list of possible priorities, and then Council members will receive the updated priorities list and go through a ranking exercise across all the FMPs, with the Committees making their own rankings at later meetings, as well as the Executive Committee. Staff explained that the Council goes through two rounds of priority discussion, with the September Council meeting as the initial discussion and December as the final decision making, and also noted that there is a process for changing priorities mid-year but generally the Council likes to operate within the priorities that are set.

Mr. Christopher let the Committee know that the finalized review of recreational measures for GOM cod and GOM haddock was announced today, in which GARFO approved the Council recommendation of status quo that added an additional for-hire fishery cod season of a few extra weeks in the fall because of COVID impacts.

Mr. Smith noted the announcement about the public comment period on the CLF petition on cod and asked whether GARFO could speak to the relationship between the petition and cod rebuilding. Mr. Christopher explained that while they are related GARFO is looking at these separately, and that for the petition they are going through the process for considering rulemaking in which the agency is required to consider all the public comments including those provided by the Council last year. He clarified that the announcement is an opportunity for public comment before the agency makes a decision on the petition. The Chair reminded the Committee that there has been lengthy discussion in the past when the Council submitted comments on the petition.

The Groundfish Committee meeting adjourned at approximately 12:10 p.m.