



## New England Fishery Management Council

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

# MEETING SUMMARY

## Groundfish Committee

Webinar

September 23, 2021

The Groundfish Committee (Committee) met on September 23, 2021, via webinar to discuss and make recommendations on: 1) Framework Adjustment 63/Specifications and Management Measures; 2) Atlantic Cod Stock Structure Management Workshops; 3) possible 2022 Council priorities for groundfish; and 4) other business, as necessary.

**MEETING ATTENDANCE:** Rick Bellavance (Vice Chair), Pete Christopher (Greater Atlantic Regional Fisheries Office (GARFO)), Libby Etrie, Matt Gates (proxy for Peter Aarrestad), Mark Godfroy, Melanie Griffin, Scott Olszewski, John Pappalardo, Cheri Patterson, Eric Reid, Paul Risi (Mid-Atlantic Fishery Management Council (MAFMC)), Dan Salerno, Mike Sissenwine, Wes Townsend (MAFMC), Alan Tracy, and Megan Ware (proxy for Patrick Keliher); Dr. Jamie Cournane and Robin Frede (New England Fishery Management Council (NEFMC) staff); Ben Martens (Groundfish Advisory Panel (GAP) Chair; and Mitch Macdonald (NOAA General Counsel (NOAA GC)). In addition, approximately 29 members of the public attended, including Dan Caless, Claire Fitz-Gerald, Mark Grant, Kyle Molton, Liz Sullivan, Spencer Talmage (GARFO); Mark Alexander, Togue Brawn, Michael Pierdinock, Geoff Smith (Council members); and Chris Kellogg, Tom Nies, Joan O’Leary, and Janice Plante (NEFMC staff).

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated September 17, 2021; (2) Agenda; (3a) Framework Adjustment 63/Specifications and Management Measures – Draft alternatives outline; (3b) Memo from Groundfish PDT to SSC re GB yellowtail flounder OFLs and ABCs, including a memo from the Scallop PDT to the Groundfish PDT; (3c) Memo from Groundfish PDT to Committee re Framework Adjustment 63 – default specifications analysis; (3d) TRAC Status Report 2021 – Georges Bank Yellowtail Flounder; (3e) TRAC Status Report 2021 – Eastern Georges Bank Cod; (3f) TRAC Status Report 2021 – Eastern Georges Bank Haddock; (3g) Presentation: Council staff; (4) Presentation: 2021 Atlantic Cod Stock Structure Workshops; (5a) Groundfish Committee, meeting summary, Aug. 6, 2021; (5b) Groundfish Committee, meeting summary, Aug. 18, 2021; (5c) Recreational Advisory Panel, meeting motions, Sept. 22, 2021; (5d) Groundfish Advisory Panel, meeting motions, Sept. 22, 2021; and (6) Correspondence.

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

**KEY OUTCOMES:**

- The Committee recommended to include four alternatives in Framework Adjustment 63 for the default specifications process:
  - *Alternative 1:* No Action.
  - *Alternative 2:* 4 months duration, 75% rollover of the previous year’s specifications, no holdback provision, and 2-year US/CA TACs.
  - *Alternative 3:* 5 months duration, 75% rollover of the previous year’s specifications, no holdback provision, and 2-year US/CA TACs.
  - *Alternative 4:* 6 months duration, 75% rollover of the previous year’s specifications, no holdback provision, and 2-year US/CA TACs.
- The Committee recommended to the Council that due to the potential outcome of the pending 2021 Management Track for Georges Bank cod, Georges Bank cod be considered the highest priority under Framework Adjustment 63 under additional measures to promote stock rebuilding.
- The Committee recommended to task the Groundfish Plan Development Team to develop management measures to adjust the recreational catch target and recreational measures for Georges Bank cod in light of the recent 2021 Georges Bank Cod Management Track assessment.
- The Committee recommended additions to the list of possible 2022 Council priorities (included below).

**RECREATIONAL ADVISORY PANEL (RAP) REPORT, MR. BELLAVANCE**

Mr. Bellavance provided an overview of the RAP’s discussion, explaining that the RAP mainly received updates on recent stock assessments and Framework Adjustment 63 (FW63) development, and added one additional possible 2022 priority.

Questions and Comments on the Presentation:

None

**GROUND FISH ADVISORY PANEL (GAP) REPORT, MR. MARTENS**

Mr. Martens provided an overview of the GAP’s discussion and motions related to FW63 development and 2022 priorities.

Questions and Comments on the Presentation:

One Committee member asked why the GAP recommended nine months for a default specifications duration versus twelve months as recommended by the Plan Development Team (PDT), and Mr. Martens explained that the GAP was concerned that having too long of a duration for default specifications, even a nine-month duration, would allow framework timelines to slip.

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

***PRESENTATION: FRAMEWORK ADJUSTMENT 63 UPDATE, DR. COURNAINE AND MS. FREDE***

Staff provided an overview of progress on FW63 development, including an overview of the draft alternatives, a brief summary of the Transboundary Management Guidance Committee/Steering Committee (TMGC/SC) recommendations on the US/CA stocks for Fishing Year 2022, and a summary of recent PDT analysis on the measure for alternatives to the default specifications process. Staff also provided a brief overview of the recent assessment peer review outcomes for Gulf of Maine (GOM) cod and Georges Bank (GB) cod, explaining that the Committee would have a more detailed discussion on this topic at their next meeting after the peer review report is available. The goal of the Committee's discussion was to receive updates on development of FW63 measures, and possibly make recommendations.

***Questions and Comments on the Presentation:***

One Committee member asked to clarify how a second-year total allowable catch (TAC) for Eastern GB cod and Eastern GB haddock would work. Staff explained that the PDT has been thinking that this would work the same way as for GB yellowtail, in which the US acceptable biological catch (ABC) is recommended for a second year with the expectation this will be revised in the annual assessment process. In a response to a clarifying question, staff explained that the PDT understood from a previous Committee meeting the Committee's intent to maintain the provision requiring that the default specifications be adjusted so they do not exceed the incoming year ABC recommendations and would include this in the draft alternative language. Another Committee member noted a discussion point during the RAP meeting about possibly considering default recreational fishery measures with some of the longer default specifications durations and whether there had been any more thought on this. Staff responded that the PDT would likely discuss this at a later meeting as to whether this is something that should be considered.

A Committee member asked staff to elaborate on the PDT's concerns about delays with a slightly longer default specifications duration like four or five months versus twelve months. Staff explained that the PDT is concerned about working towards a new longer deadline, even if the intent is to maintain current framework timelines, which would cause further delays and overlap between framework actions and would not address the potential for expiring quotas. The Committee member commented that as a sector manager he felt this year as if they really might not make the deadline unlike previous years and acknowledged that delays in the timeline might become more routine, and thought that adding to the default specifications timeline would not help the process. Mr. Christopher added that 24 weeks is the normal expected time for rulemaking and that there are certain things the agency must do in its process for rulemaking, such as having a public comment period, and that any delays in the Council process timeline can condense the timeline for these steps. He also noted there are external factors that affect the timeline including emergency action requests or other rulemaking priorities, in addition to other factors already noted that can shift the timeline. Another Committee member asked if there are any thoughts from the agency on revising the entire process and timeline from start to finish. Mr. Christopher said one thing that might help is if the Council has a full understanding at the beginning of the framework timeline of which stocks are facing default specifications that year in order to better understand the implications of any delays and help drive the timeline. Mr. Smith asked what the process is for adjusting default

specifications if the incoming ABC is lower. Ms. Sullivan explained that GARFO typically uses the sector rule to announce default specifications including any adjustments.

One Committee member asked to clarify that adjusting the GB cod recreational catch target would have to be done in FW63 and that there is no other process through which the agency could adjust this. Staff answered that while there are other actions the agency could take this would be the Council's opportunity to weigh in on this and this could be added under additional measures to promote rebuilding for GB cod. The Committee member also asked to clarify whether the Council has the ability to renegotiate the US/CA negotiation. Staff explained that there is a process in place for if the two countries don't agree and that it has happened in the past when the US did not approve the TMGC negotiation and they had to renegotiate. Staff added that next week the Council may not approve the recommendation for Eastern GB cod and then they would have to renegotiate with the Canadians and come back in December with a new number. In response to a question about the common pool sub-ACL and trip limits for GB cod and how those are adjusted, staff explained that the agency adjusts trip limits to stay within the trimester TACs.

Mr. Pierdinock asked a question about the management uncertainty buffer for the recreational sub-ACL for GOM cod, and staff explained that this buffer of 7% has been in place since establishing the sub-ACL and is higher due to the additional uncertainty in the recreational data. Ms. Jackie Odell commented that the final year-end catch data seems to be available later and later in the year and is causing delays in the Council process and asked if GARFO has any idea when it will be available this year. Mr. Christopher explained that GARFO tries to have this available for the September Committee and Council meetings, but the report is delayed this year because the recreational catch data needs additional verification. He did not think it would be available for next week but said he will check and provide an update later this afternoon. Ms. Odell also explained that the GAP doesn't want industry to be under default specifications as these create fishing operation issues and ACE leasing impacts, which is why the GAP did not recommend extending out to twelve months. She said the GAP recognized there might be administrative delays and that these issues might require a discussion on the entire timeline for assessments and finalizing catch information, as the current timeline is condensing the decision making process into a very short timeline. Staff noted that there have been years that the PDT did not do sub-components analysis given the timing of the year-end catch report and instead used the previous values. Staff also said they are not prepared to discuss the 2020 catch estimates today since the final numbers are not yet available, but clarified that the catch estimate for GB cod the PDT provided to the assessment review was for the calendar year and not the fishing year.

Mr. Drew Minkiewicz (Fisheries Survival Fund) asked in light of the low ABC and low catch levels for GB yellowtail flounder whether the agency has considered setting a zero overall ABC for this stock, citing National Standard 1 guidance which allows this if catches are low and not directed. Mr. Christopher said it is something the agency could look into if the Council is interested in pursuing and would need to consider the applicability of a zero ACL. He added that if this is just setting an allocation this could be done in the framework action, but if it goes beyond that he thinks the Committee would need to discuss whether this still fits within Council priorities and how it fits within the fishery management plan.

**Motion #1: Etrie/Griffin**

Motion to include four alternatives in Framework Adjustment 63 for the default specifications process:

*Alternative 1:* No Action.

*Alternative 2:* 4 months duration, 75% rollover of the previous year's specifications, no holdback provision, and 2-year US/CA TACs.

*Alternative 3:* 5 months duration, 75% rollover of the previous year's specifications, no holdback provision, and 2-year US/CA TACs.

*Alternative 4:* 6 months duration, 75% rollover of the previous year's specifications, no holdback provision, and 2-year US/CA TACs.

*Discussion on the Motion:* The maker of the motion recognized that a larger discussion that goes beyond this framework is needed for the overall process timeline, and also acknowledged that staff do everything they can to keep the framework timelines on track but that delays happen for other reasons. She said it is clear 35% isn't enough for default specifications and that from the PDT work 75% seems to be a better option, and is choosing options for four, five, and six-month durations because she is concerned about longer delays. Another Committee member supported these options because they extend the timeline but not drastically and provide more fish than under the current default specifications. Mr. Christopher said that while he does not oppose these alternatives, he hopes the Council will pick a longer duration, as six months and especially five or four months adds difficulty to the process. He added that six months would make things less stressful than four or five months in terms of minimizing overlap between framework actions.

*Public Comment:* Ms. Odell (Northeast Seafood Coalition) supported these options as they extend the default specifications timeline without going too far.

*Motion #1 carried on a show of hands (13/0/2).*

**Motion #2: Ware/Patterson**

Move to recommend to the Council that due to the potential outcome of the pending 2021 Management Track for Georges Bank cod, Georges Bank cod be considered the highest priority under Framework Adjustment 63 under additional measures to promote stock rebuilding.

*Discussion on the Motion:* The maker of the motion explained that she had taken GB cod out of the rebuilding measures alternative at a previous Committee meeting but is now recommending adding it back in as a priority, with the idea that the PDT would work on GB cod and then the other two stocks (GOM cod and Southern New England/Mid-Atlantic (SNE/MA) winter flounder) as possible. Mr. Christopher asked if the PDT has made progress on GOM cod and SNE winter flounder tasking and reminded the Committee that rebuilding for these two stocks must be done in the next framework action to meet the two-year timeframe for addressing inadequate rebuilding progress. Staff answered that the PDT hasn't been able to work on that yet and that would likely occur late this year.

*Motion #2 carried on a show of hands (11/0/4).*

**Motion #3:** Etrie/Salerno

To task the PDT to develop a list of current management measures for Georges Bank cod for the various fisheries – sectors, common pools, and recreational, and historical background on additional management measures.

*Discussion on the Motion:* The maker of the motion said she is hoping some of this work was already done in the cod stock structure management workshops so it wouldn't be too much work for the PDT. Staff explained that the PDT will write up the No Action for GB cod rebuilding measures, but that writing up all the management actions is moving into more of a different priority like a white paper. Staff explained that with limited time, the more specific the tasking the more likely the PDT can address this, and that they will share this tasking with the Executive Director who may weigh in at the Council meeting. One Committee member said that while she doesn't necessarily not support this, she thinks the PDT has other tasking to work on first.

*Motion #3 failed (4/6/3).*

**Motion #4:** Etrie/Salerno

To task the Groundfish Plan Development Team to develop management measures to adjust the recreational catch target and recreational measures for Georges Bank cod in light of the recent 2021 Georges Bank Cod Management Track assessment.

*Discussion on the Motion:* The maker of the motion explained that with the recent stock assessment for GB cod there is a need to adjust management and an unrestrained recreational catch was not acceptable. She also explained the intent to give specific tasking for the PDT. Staff said they can bring additional information on the catch target to the Council meeting next week, adding that the PDT had noted that the catch target is based on the 2017 assessment and not the 2019 assessment and uses old Marine Recreational Information Program (MRIP) numbers, which the PDT recognized as a disconnect, but the Council chose not to revise this to the updated MRIP numbers.

*Public Comment:* Ms. Odell said this issue is not about recreational versus commercial fishery but is because the recreational catch cap won't be revised unless done in this framework.

*Motion #4 carried on a show of hands (8/2/3).*

**Motion #5:** Godfroy/Gates

To task the Groundfish Plan Development Team to develop management measures to adjust the commercial management measures for Georges Bank cod in light of the recent 2021 Georges Bank Cod Management Track assessment.

*Discussion on the Motion:* The maker of the motion said all components of the fishery should be examined as part of the rebuilding plan. One Committee member noted that the commercial fishery is managed under hard TACs with accountability measures while the recreational fishery is not. Another Committee member asked if the PDT will update the catch projection based on the updated assessment

information. Staff answered that there are no projections for GB cod but the PDT would look at the most recent data available, and that they would look at this for the No Action and also revised recreational measures. Staff also said that it helps to have clear direction for the PDT on what to work on, and that they would work on recreational measures first unless the Council changed the priorities for rebuilding next week. The Committee member said he thinks they need more time to digest the information on the GB cod assessment and cautioned the Committee against trying to put the blame and conservation measures on one component of the fishery over the other.

**Motion #6:** Etrie/Griffin

Motion to postpone Motion 5 until the Groundfish Committee agenda item at the September 2021 Council meeting

*Discussion on the Motion:* The maker of the motion said the Committee needs more time to work through equitability of measures between the two components of the fishery. Another Committee member agreed and said he thinks the assessment information is too fresh to make specific tasking for the PDT at this time.

*Motion #6 carried on a show of hands (10/1/3).*

**AGENDA ITEM #2: ATLANTIC COD STOCK STRUCTURE MANAGEMENT WORKSHOPS**

**PRESENTATION: ATLANTIC COD STOCK STRUCTURE MANAGEMENT WORKSHOPS, DR. Cournane**

Staff provided an overview of the cod stock structure management workshops including a brief summary of the topics and discussions during each of the workshops, as well as the timeline and next steps for this work. Staff explained how these management workshops fit in with the previously held science/assessment workshops. Staff noted that these workshops were intended as information gathering only, and that a full report for the workshops would be available later this year.

Questions and Comments on the Presentation:

One Committee member asked if there had been any discussion about concerns that the assessments won't be able to handle data limitations of a new management structure. Staff answered that some of the workshop groups talked about data limitations, such as recreational catch data limitations, but recognized they are trying not to get ahead of the research track assessment. Another Committee member asked why the example management scenarios discussed in the workshops don't include one for a five-unit stock structure to match the findings from the cod stock structure work. Staff explained that this was partly because of the practicality of running the workshops as a webinar and partly due to management limitations, as they had heard during earlier workshops that monitoring in season for GOM winter and spring spawners may not be possible, but noted that some groups talked about a five-unit structure anyway. A Committee member asked for an explanation of the origin of this work on cod stock structure. Staff explained that cod stock structure was a priority the Council had been interested in for many years following cooperative research that suggested what is known about cod stock structure was incorrect along with a symposium which had a commitment to follow up on this work. Staff explained that when

the Atlantic Cod Stock Structure Working Group was formed it envisioned a two phased approach, first determining stock structure and then how that applies to management.

Mr. Smith asked if there was any discussion about how the Council would change management boundaries versus changes to the assessments, and whether these would match or not. Staff answered that a challenge of the workshops was the interplay between science and management, and that the assessment workshops discussed what information is needed for assessments of each new stock area, while the management workshops discussed how the management boundaries would be revised. Staff added that the research track working group will determine how the assessments and management process will work together. Mr. Smith also asked if there is any plausibility of having a two-stock assessment but five management units. Staff responded that they do stand by the cod stock structure working group findings of five biological stock units, but that the research track working group will discuss whether there is enough data to assess and manage each biological stock unit. In response to a question from Ms. Odell, staff provided a slide showing what spatial areas are included under the current assessment. Ms. Maggie Raymond asked if the report from the workshops will include example management measures, and staff explained that it will include a summary of the workshop discussions, including suggested management measures discussed. Ms. Raymond also commented that the possibility of reallocation amongst different stock areas create a lot of anxiety for industry, and so if the Council doesn't have a desire to do that it would be helpful to hear early on in the process.

### ***AGENDA ITEM #3: POSSIBLE 2022 COUNCIL PRIORITIES***

Staff provided an overview of the list of possible 2022 Council priorities for groundfish, and explained that the Committee could recommend additional priorities today to add to the list. Staff explained the next steps in the Council priority setting process would be to rank the priorities.

#### **Discussion:**

The Committee asked a few clarifying questions and recommended the following:

Include the list from the August 18, 2021 Groundfish Committee meeting and add these to the list:

- A first step in evaluating alternative control rules for groundfish, the PDT should develop explicit criteria for the use of the constant ABC approach as candidates for OFLs/ABC's, including rationale for holding the lowest projection constant. The criteria developed will be approved by the Council and provided to the SSC. The criteria can be used by the SSC until the Council completes its multi-year priority to address revised control rules for groundfish.
- Develop a protocol for timely review and revision, as appropriate, of biological reference points relative to prevailing environmental conditions.
- Recreational permits and reporting for Atlantic cod like the Mid-Atlantic Fishery Management Council did for tilefish, to get better data.



***AGENDA ITEM #4: OTHER BUSINESS***

Ms. Odell wanted to make note to the Committee of the correspondence letter from the Stellwagen Bank Charter Association about their reports of small cod, as she thinks this information should be considered in assessment discussions.

Mr. Christopher said he did not have any update yet on the year-end catch report and hoped to have more information on it next week at the Council meeting.

The Groundfish Committee meeting adjourned at approximately 3:00 p.m.