



New England Fishery Management Council

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

MEETING SUMMARY

Groundfish Committee

Webinar

June 14, 2022

The Groundfish Committee (Committee) met on June 14, 2022, via webinar to discuss: 1) Framework Adjustment 65/Specifications and Management Measures; 2) Amendment 23 Review Metrics; 3) Atlantic Cod Management; 4) Council Research Priorities; and 5) other businesses, as necessary.

MEETING ATTENDANCE: Rick Bellavance (Chair), Libby Etrie (Vice Chair), Togue Brawn, Peter Christopher, Mark Godfroy, Melanie Griffin, Megan Ware, John Pappalardo, Mike Pierdinock, Paul Risi, Dan Salerno, Geoff Smith, Wes Townsend, and Alan Tracy; Dr. Jamie Cournane, Robin Frede, and Angela Forristall (New England Fishery Management Council (NEFMC) staff); Mitch MacDonald (NOAA General Counsel (GC)); Frank Blount (Recreational Advisory Panel (RAP) chair); and Jackie Odell (Groundfish Advisory Panel (GAP) vice-chair).

In addition, 19 members of the public attended. Among them were: Dan Caless, Claire Fitz-Gerald, Mark Grant, Kyle Molton, Liz Sullivan, and Samantha Tolken (Greater Atlantic Fisheries Regional Office (GARFO)); Glenn Chamberlain, Gabrielle Clardy, Paul Nitschke (Northeast Fisheries Science Center (NEFSC)); Jason Didden (Mid-Atlantic Fishery Management Council (MAFMC) staff); Tracey Bauer (Atlantic States Marine Fisheries Commission (ASMFC)); Council Chair Eric Reid; and Tom Nies, Chris Kellogg, Sam Asci, Jonathon Peros, and Janice Plante (NEFMC staff);

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) Meeting overview memo from Groundfish Committee Chair and agenda; 2) Presentation, Council staff; 3a) Framework Adjustment 65 draft alternatives outline; 3b) Groundfish PDT memo to Committee re FW65, August 3, 2021; 3c) Groundfish PDT memo to committee re SNE/MA winter flounder and other fisheries, April 1, 2022; 4a) A23 Metrics Discussion Document outline; 4b) Groundfish PDT A23 Metrics discussion notes; 5a) Presentation: Council Research Priorities update process; 5b) 2021-2025 Council Research Priorities; 5c) Groundfish PDT to Groundfish Committee re Council Research Priorities 2022-2026, May 27, 2022, 6a) Groundfish Plan Development Team, meeting summary, Mar. 9, 2022; 6b) Groundfish Committee, meeting summary, Mar. 16, 2022; 6c) Council Meeting, motions, Apr. 12-14, 2022; 6d) Recreational Advisory Panel, meeting summary, Jun 1, 2022; 6e) Groundfish Advisory Panel, meeting summary, June 2, 2022; 7) Correspondence; 8) Draft Action Plan to Reduce Atlantic Sturgeon Bycatch in Federal Large Mesh Gillnet Fisheries, NOAA Fisheries, May 26, 2022; 9) Presentation: MSE Atlantic Cod Assessment and Management, GMRI; and 10) 2022 Council Groundfish Priorities Outlook by Quarter, NEFMC staff

The meeting began at 9:30 am.

KEY OUTCOMES:

Framework Adjustment 65:

- The Committee requests the Council write a letter to the Mid-Atlantic Fishery Management Council informing them of our intention to consider a Southern New England/Mid-Atlantic (SNE/MA) winter flounder sub-ACL for the small mesh fisheries and inquire if they would like to take lead on establishing the AM for those small mesh fisheries under their purview.
- The Groundfish Committee requests that the Council include Georges Bank cod as a stock to pursue “additional measures to promote rebuilding” in FW65 specifically to consider mechanisms that could be adopted to minimize the impact of pound-for-pound payback applied to the commercial fishery if the recreational fishery exceeds its catch target.
- The Committee provided guidance to the Plan Development Team as:
 - **ABC Control Rules** develop Council staff approach #1 (*refine the existing control rules, including developing guidance on when to use a constant ABC*).
 - **Gulf of Maine Cod Rebuilding** analyze F-rebuild options for Gulf of Maine (GOM) cod with 50%/60%/70% rebuilding probabilities associated with a 10-year rebuilding timeline and determine if fishing at 75% of F(MSY) is projected to rebuild the GOM cod stock in 10 years.
 - **Southern New England/Mid-Atlantic (SNE/MA) Winter Flounder** further investigate the bycatch of in the “squid” fishery between fishing years 2017 to 2020. In addition, the PDT should work with Atlantic States Marine Fisheries Commission staff to summarize any information available on documented spawning locations for Southern New England/Mid-Atlantic winter flounder and existing management measures within those areas.
 - **GOM Cod** analyze the effectiveness of the management uncertainty buffer for the Gulf of Maine cod recreational fishery including consideration of how the uncertainty buffer could impact carryover determinations for sectors

Atlantic Cod Management:

The Committee recommends to the Plan Development Team several items to include in the White Paper on potential approaches to allocate “Georges Bank cod” to the recreational fishery.

Amendment 23 Review Metrics:

The Committee recommends to the Council several analyses to include in the Amendment 23 review metrics.

2022-2026 Council Research Priorities:

The Committee accepts the Plan Development Team suggestions regarding the 2022-2026 Council research recommendations related to groundfish and add two additional research priorities:

- Re-affirms that aging white hake and redfish be added to the research priorities as an urgent need.
- Pursue updates to the recreational bio-economic model for cod and haddock based on work to improve this model for summer flounder

OPENING REMARKS

Amendment 23. Mr. Pete Christopher (GARFO) informed committee members the agency is finalizing the final rule, and implementation will occur sometime in late summer.

Framework 63. Mr. Christopher informed committee members the agency is also working to finalize the final rule for Framework 63 (FW63) and is currently responding to the high volume of comments

received. If the agency approves the action, it will likely be done by the end of June. One committee member raised a concern that if the recreational fishery exceeds the recreational catch target of Georges Bank (GB) cod and this results in an overage of the total GB cod annual catch limit (ACL), the commercial fishery will be subject to a pound-for-pound payback in 2024 even if the commercial sub-ACL is not exceeded. Mr. Christopher said the agency will provide updates on recreational catch as soon as data becomes available but if changes to the current GB cod accountability measures (AMs) are something the committee would like to pursue this could be discussed during the 2023 priority setting discussion. Council staff stated the Committee could recommend the Council add GB cod to the current list of stocks for development of additional measures to promote stock rebuilding.

A committee member stated they hope the measures to implement 2022 recreational Gulf of Maine (GOM) cod and haddock measures will be implemented soon since it would increase the haddock limit from 15 to 20 fish. Mr. Christopher stated the agency is working hard to get the final rule for that action published as soon as possible but does not have an exact date.

Public Comment:

- Jackie Odell (Northeast Seafood Coalition) appreciated Council staff's suggestion to add GB cod to the list of stocks to develop additional measures to promote rebuilding as an avenue to reconsider the current AMs in place.

AGENDA ITEM #1: RECREATIONAL ADVISORY PANEL REPORT

Mr. Frank Blount (RAP chair) walked committee members through the agenda of the recent RAP meeting and summarized key discussion points. The RAP discussed Framework 65 (FW65) but did not make any specific recommendations. The RAP also did not make any recommendations pertaining to 2022-2026 Council research priorities but wanted to emphasize that research priority number 58 (*Investigate groundfish discard mortality rate estimates across gear types*) remains a priority since the findings could have implications on recreational measures.

Public Comment:

- Jackie Odell (Northeast Seafood Coalition) asked if discard mortality rates across gear types is being considered in the cod research track. Council staff noted the research track will be looking at several things that may be of interest to the recreational and groundfish advisors, including other sources of mortality, assumptions on discard mortality rates, and how to take current recreational and commercial catch data and assign it under new stock boundaries.

AGENDA ITEM #2: GROUNDFISH ADVISORY PANEL REPORT

Ms. Jackie Odell (GAP vice-chair) shared the six motions, Amendment 23 metric recommendations, and one consensus statement made at the recent GAP meeting. GAP members had concerns that the delay in implementation of FW63 may result in an overage of GB cod due to the recreational fishery exceeding their catch target which would result in a pound-for-pound payback by the commercial fishery in 2024.

One committee member asked for clarification on the discussion by GAP members about GB cod reclassification versus reallocation under a new cod stock structure. The committee member was under the impression no matter how these terms are defined the process of either reclassifying or reallocating GB cod would change potential sector contributions (PSC). Ms. Odell noted this was the same confusion

the GAP members were having and there needs to be agreement by advisors, committee members, and council members on how these terms are used and what they mean.

A committee member asked about the recommendation that reaffirms aging white hake and redfish be added to the research priorities, stating they were under the impression this recommendation was already made. Staff noted the Council sent a letter to the Northeast Fishery Science Center (NEFSC) last March on this topic, and at the most recent AOP meeting staff was informed aging will be completed for samples of white hake from fishery-independent surveys but not commercial samples.

One committee member asked for clarification on what types of closures the GAP was referring to in Motion 4. Ms. Odell stated the motion was meant to be broad because the GAP felt it would be important to understand which sectors of the fishery are and are not allowed to fish in different GOM closure areas during different seasons and if any level of fishing activity impacts achieving the conservation goals of the closures. Another committee member asked if there was any discussion by GAP members on how the recreational fishery has utilized haddock charts to avoid areas of cod when targeting haddock. The GAP discussed what current areas have already been identified as important for GOM cod, what activity is still occurring in those areas, and how this activity might be impacting stock rebuilding. She noted they did not recommend any management measures at this time but are hoping to see an analysis that will help in the development of alternatives for FW65.

A committee member asked for clarification on where in the process of determining ACLs are management uncertainty buffers applied and referenced GAP Motion 3. Staff clarified first the annual biological catch (ABC) for a stock is determined and then component sub-ABCs. The management uncertainty buffers are applied to the sub-ABCs to determine the sub-ACLs. This is done separately for commercial and recreational fisheries and for different stocks. Stocks generally have a 3 percent, 5 percent, or 7 percent management uncertainty buffer.

Public Comment

- Frank Blount (Frances Fleet owner, RAP chair) asked for additional rationale for GAP Motion 6, particularly why the GAP felt the recreational fishery is unconstrained and unmonitored. Ms. Odell noted there has been a drastic increase in the percent of the overall ACL allocated to the recreational fishery. Mr. Blount stated the catch target has been set artificially low in recent years and the regional administrator (RA) noted it was a meaningless number.

AGENDA ITEM #3: FRAMEWORK ADJUSTMENT 65/SPECIFICATIONS AND MANAGEMENT MEASURES

Dr. Jamie Cournane (NEFMC staff) shared the scope and objective of Framework 65. Staff noted the Groundfish Plan Development Team (PDT) will be reviewing the current groundfish control rules and is soliciting feedback from the Committee on whether the updates should be refinements, modifications, or entire replacements of the current rules. Staff also presented findings from the PDT on other federal fisheries' catches of Southern New England/Mid-Atlantic (SNE/MA) winter flounder. The scallop and squid fisheries have caught more than five percent of the SNE/MA winter flounder total catch in recent years. Catch in the scallop fishery has been decreasing while catch in the squid fishery is increasing.

Questions and Comments on the Presentation:

One committee member asked for clarification on what aspects of the rebuilding plans for GOM cod and Southern New England/Mid-Atlantic (SNE/MA) winter flounder need to be revised. Staff explained the Council received a letter from GARFO that the stocks are not making adequate progress on rebuilding

and are not expected to rebuild by the end of the current rebuilding plans (2024 for GOM cod and 2023 for SNE/MA winter flounder). Additional measures beyond just catch limits may be warranted.

A committee member asked for clarification on when a sub-ACL for a stock is developed. Groundfish Amendment 16 included a provision that if the catch of a groundfish species in an “other non-specified” fishery rises above five percent, accountability measures may be developed for that fishery to prevent the overall ACL from being exceeded. Staff explained that if a sub-ACL for SNE/MA winter flounder was developed for the squid fishery, the accountability measures could either be in the Groundfish FMP or the MAFMC Mackerel/Squid/Butterfish FMP, and it will be important to inform the MAFMC early if a sub-ACL is being considered.

Another committee member asked for clarification on what is considered a squid trip. Mr. Christopher (GARFO) explained the agency first looks at vessel monitoring system (VMS) trip declarations, and if a trip declares as a limited access (LA) squid trip it is categorized as such. If the trip is declared as Declare Out of Fishery (DOF), the agency looks at revenue to determine the directed nature of the trip. If the highest revenue category is for squid, it is classified as a squid trip. Dan Cales (GARFO) explained the discard rates for the non-groundfish NEFOP observed trips are calculated by taking the discard rate and dividing it by observed KALL (kept all) and then extrapolating out to unobserved trips KALL. The gear group is the main strata. There is a lot of uncertainty around these discards.

A committee member asked if there was a particular recommendation from the PDT about how the ABC control rules should be revised. Staff explained there has not been a full discussion by the PDT or recommendation made at this time. In the past, the Scientific and Statistical Committee (SSC) and Groundfish Committee have suggested revisions similar to the ones presented to the Committee at this meeting. It has been difficult to determine incidental bycatch and therefore the control rule that sets ABC based on incidental bycatch for stocks that cannot rebuild to B_{MSY} in a specified rebuilding period has been difficult to apply. Staff noted if this control rule was eliminated, one of the control rules currently in place could be expanded. Another committee member asked if there was a list available of current applications of the different control rules, their success rates, and any criticisms in applying them. Staff noted the PDT subgroup working on this is putting together a summary document that will include this information, but it is difficult to determine if one control rule is better than the other due to external factors (biology of the stock, environmental conditions, etc.). Staff noted a summary of control rules in other fisheries can be found in Appendix 2B of the *GMRI report Evaluation of Alternative Harvest Control Rules for New England Groundfish*.¹

Multiple committee members noted they wished to have PDT and SSC input before providing feedback. Staff explained the PDT hoped to receive direction from the Committee on whether they wanted the control rules to be refined, modified, or replaced or if the Committee was hoping to have all three of these approaches considered. The RAP and GAP have not weighed in on the ABC control rules yet, and one committee member stressed reaching out to advisors would be important. Another committee member asked under what approach would constant catch control rules be looked at. Staff noted the constant catch approach was utilized for SNE/MA winter flounder and the PDT plans to summarize the different approaches the SSC has taken on a stock-by-stock basis. One committee member noted the MAFMC just approved a ‘percent change approach’ control rule for recreational catch in the Summer Flounder, Scup, and Black Sea Bass FMP and this enables recreational measures and accountability measures to be set without relying on MRIP data. The advisor stated this could be looked into if a management strategy evaluation (MSE) was conducted.

¹ https://gmri-org-production.s3.amazonaws.com/documents/HCR_report_9_2_21.pdf

Staff explained this action is intended to look at the four control rules used for all 20 stocks, but if a complete overhaul of the current control rules is undertaken there could be discussions about tiered or stock-specific control rules. Multiple committee members expressed they did not want modifications to the control rules to delay specifications and instead considerations of more substantial changes could be included in future priority discussions. Staff summarized the discussion: as to if the Committee wants the PDT to work on all three approaches at this time (refine, modify, and replace), or focus on approaches to refine and modify the current control rules. Conversations about whether an MSE should take place and considerations of replacing control rules will occur in the future.

1. MOTION: WARE/GRIFFIN

Move that the Committee recommends to the Plan Development Team that work related to the ABC control rule in Framework 65 begin with Council staff approach #1 (*refine the existing control rules, including developing guidance on when to use a constant ABC*). The Committee continues to recognize the value of Council staff approaches #2 (*modify the existing control rules*) and #3 (*replace the existing control rules*); however, additional time and conversations with the SSC and Advisory Panels is warranted under these approaches and their more extensive nature may be best addressed under an additional priority in 2023.

Public Comment:

- Maggie Raymond (Associated Fisheries of Maine) stated the SSC often picks the projections with the lowest value even when that value is associated with the third year which is the most unreliable of all the projections. She also stated the GAP has asked for guidance on when the SSC should use the constant ABC approach on many occasions and is happy the Committee is taking this under consideration.

MOTION CARRIED 9/0/2

2. MOTION: WARE/ETRIE

Task the PDT with analyzing F-rebuild options for GOM cod which consider 50%/60%/70% rebuilding probabilities associated with a 10-year rebuilding timeline. Also determine if fishing at 75% of F_{MSY} is projected to rebuild the GOM cod stock in 10 years.

Rationale: F-rebuild needs to be determined to have a starting point, and there needs to be an understanding of how this relates to F_{MSY} to have a comparison.

Discussion on the motion:

One committee member asked if this range of probabilities for rebuilding is consistent with what has been used for ABC control rules for groundfish or other fisheries. Staff stated it is. Attorney MacDonald asked if this is analyzed, will the PDT do the analysis for T_{max} and how long rebuilding will take under no fishing. Staff said the PDT would complete all the steps required by the guidelines.

MOTION CARRIED 11/0/2

3. MOTION: SALERNO/ETRIE

The Groundfish Committee tasks the Plan Development Team to further investigate the bycatch of Southern New England/Mid-Atlantic (SNE/MA) winter flounder in the “squid” fishery between fishing years 2017 to 2020. Specifically, to determine:

- What component of the “squid” fishery is the bycatch occurring (ie. *Illex*, *Loligo* or other small mesh fisheries with a significant catch of squid)
- The extent or magnitude of small mesh otter trawl trips that have observed high levels of SNE/MA winter flounder bycatch compared to total effort
- Examination of outliers in the trip discard data
- The temporal and spatial distribution of this bycatch in the “squid” fishery

Rationale: The data needs to be refined before determining if a sub-ACL is necessary. If it is, holding the appropriate fisheries accountable for catch of SNE/MA winter flounder will help to address the agency’s letter that the stock has not been rebuilding adequately.

Discussion on the motion:

A committee member noted it will be important to understand what is classified as a squid trip and what is driving the increase in catch of SNE/MA winter flounder on the squid trips.

Public Comment:

- Maggie Raymond (Associated Fisheries of Maine) asked if this analysis would bring the projected bycatch level below five percent. If not, she noted it might be a misuse of PDT time but does not necessarily oppose the motion. Staff responded it is unlikely this analysis would reduce the catch attributed to squid trips by enough to bring it below five percent.
- Meghan Lapp (Seafreeze Ltd.) expressed concerns about imposing measures on a fishery managed by another Council. She expressed skepticism about the numbers, stating in 2020 squid producers and processors were refusing product due to crashing domestic and international markets.
- Eric Reid (Council chair) hoped any spatial analysis will be done by statistical area. He said catch east of 537, particularly 526, will be interesting to see since groundfish trips in those areas have a substantial amount of squid bycatch and the interactions between winter flounder and loligo squid are low.
- Bonnie Brady (Long Island Commercial Fishing Commission, AP member) reiterated NMFS’s disclaimers about the uncertainty around these numbers. She noted SNE/MA winter flounder are not typically encountered on squid trips south of Long Island or near Nantucket.

A committee member asked for clarification on what ‘investigate’ means. The maker of the motion stated they want a deeper dive into the information already presented. This could include explanations on the differences of loligo and illex squid trips and data on how many trips have SNE/MA winter flounder catch compared to the total number of trips.

A committee member asked if the intent was to decide if a sub-ACL would be warranted at a future meeting, noting scallop trips also have bycatch of SNE/MA winter flounder over five percent of the total ACL and a scallop trip is more clearly defined. The maker of the motion expressed their intention was to hold off on determining if management measures are necessary until after the squid trips are further investigated. Two committee members expressed they are not taking a sub-ACL for the scallop fishery off the table at this time, but concepts like rotational management and other conservation actions in that fishery would need to be looked at if one were considered.

MOTION CARRIED 13/0/0

4. MOTION: ETRIE/TRACY

The Committee requests the Council write a letter to the Mid-Atlantic Fishery Management Council informing them of our intention to consider a Southern New England/Mid-Atlantic (SNE/MA) winter flounder sub-ACL for the small mesh fisheries and inquire if they would like to take lead on establishing the AM for those small mesh fisheries under their purview.

Rationale: It is appropriate to provide as much notice as possible to the MAFMC and let them have the opportunity to develop the AMs since there are nuances within the different FMPs.

Discussion on the Motion: developed considered at this time, and that the intent of the letter is only to let the MAFMC know that it may be considered. They also noted if a sub-ACL is eventually created it is their preference the managing FMP develops any AMs.

MOTION CARRIED 13/0/0

5. MOTION: WARE/ETRIE

The Groundfish Committee tasks the Plan Development Team to analyze the effectiveness of the management uncertainty buffer for the Gulf of Maine cod recreational fishery.

Rationale: MRIP data and utilizing ports of landing to determine where catch is occurring creates uncertainty in recreational cod catch data, but the degree of uncertainty is unknown. This warrants a conversation about the effectiveness of the current management uncertainty buffers. If the current uncertainty buffers are insufficient, a revision to the uncertainty buffer could be considered for an additional measure to promote stock rebuilding.

Discussion on the Motion:

A committee member asked for clarification on what the maker means by ‘effectiveness of the management uncertainty buffers.’ The maker stated they want to know if the uncertainty in the catch is appropriately characterized by a seven percent buffer. Council staff noted there are criteria in place to determine when a three, five, or seven percent buffer should be used, and the PDT would consider if any of the criteria have been improved or degraded. Staff noted the recreational sub-ACL for GOM cod has not been exceeded in recent years and the bioeconomic model utilized when setting recreational catch measures has gotten better at predicting the outcomes of various cod and haddock management measures. *Effectiveness* would be best defined with metrics, but if none are in place the PDT will use the current risk criteria.²

² For each stock, management uncertainty is estimated using the following criteria: Enforceability and precision of management measures, adequacy of catch monitoring, latent effort, and catch of groundfish in non groundfish fisheries. The following default management uncertainty buffers are used for groundfish stocks:

3% for stocks with no state waters catch;

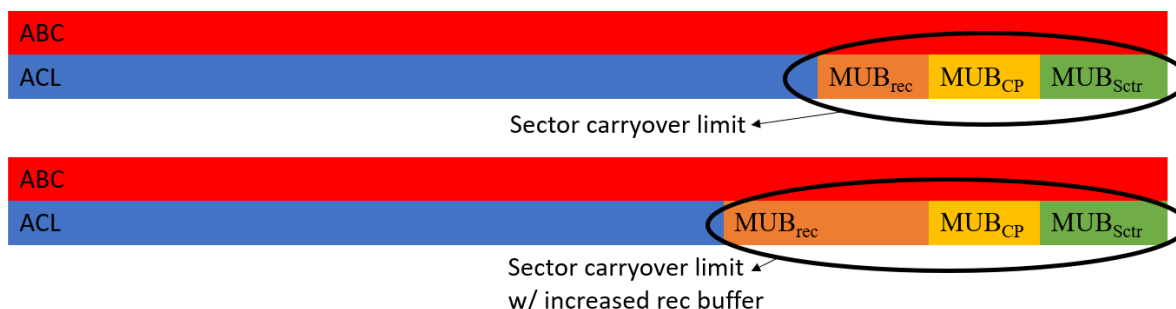
7% for zero possession stocks;

7% for recreational allocations; and

5% for all other stocks/components of the fishery

One committee member expressed support for this action, particularly in how it could address the agency's letter regarding the inadequate progress that has been made towards rebuilding GOM cod.

Pete Christopher (GARFO) emphasized any conversations about changing the management uncertainty buffers must also keep in mind the impacts on carryover. Liz Sullivan (GARFO) explained the recreational fishery does not have any carryover, but sectors are allowed to carry over up to ten percent of their annual catch entitlement (ACE). However, if rolling over ten percent of the ACE would exceed the ABC, the total carryover is reduced. The maximum amount of carryover sectors can be granted is the difference between the ACL and the ABC. This difference is the sum of all the management uncertainty buffers for all components of the fishery. For GOM cod, that is Management Uncertainty Buffer_{recreational} + Management Uncertainty Buffer_{sector} + Management Uncertainty Buffer_{common pool}. A result of increasing the recreational fishery management uncertainty buffer could be inadvertently converting that catch into an increased amount of allowable sector carryover.



A committee member noted that Amendment 23 removed the management uncertainty buffers for sectors so there wouldn't be carryover on the sector side. Ms. Sullivan clarified that there is nothing in A23 that removes the carryover system, but in years when sectors have 100 percent monitoring, the ABC and ACL will be the same. The calculation for carryover will still use the management uncertainty buffers for components of the fishery where they apply. Ms. Sullivan explained *de minimis* ACE carryover is the amount that sectors are not required to payback if the sector sub-ACL and total ACL is exceeded. *De minimus* ACE carryover is currently set at one percent. If there is an overage of the ACL that is, in part, a result of sectors using their carryover they do not have to pay back that one percent because that is essentially an amount NMFS told sectors they were allowed to catch. A committee member noted the *de minimus* amount is the only portion of catch sectors can feel comfortable catching without fear of having to repay it, and for GOM cod individuals seldom go beyond that amount. The committee member wanted to ensure uncertainty on how sector carryover works was not impacting support for the motion.

One committee member did not feel the recreational buffers need to be modified since the recreational sub-ACL has not been achieved. They noted bag limits and size restrictions already reduce recreational catch. They stated recreational fishermen in Stellwagen Bank and in state waters east of Nantucket are excited because they have been encountering more cod and felt this was a result of the conservation measures in place on the recreational fishery.

5A. MOTION TO AMEND: CHRISTOPHER/ETRIE

The Groundfish Committee tasks the Plan Development Team to analyze the effectiveness of the management uncertainty buffer for the Gulf of Maine cod recreational fishery including consideration of how the uncertainty buffer could impact carryover determinations for sectors.

Rationale: Understanding how changes to the recreational management uncertainty buffer impact sector carryover will be important to ensure buffer changes intended to help promote stock rebuilding will not result in an unintended transfer of fish from the recreational to the commercial fishery.

Discussion on the motion:

One committee member stated the management uncertainty buffer is already set at the high end (seven percent) and there are conservation efforts in place like the cod avoidance charts, slot limits, encouragement to use circle hooks, and expanded state gillnet spawning closures. They noted these efforts should be included in FW65 under measures that may benefit rebuilding efforts. Another committee member stated they would prefer to see the PDT allocate time to developing on-the-water management measures that would improve rebuilding.

MOTION TO AMEND CARRIED 10/1/2

AMENDED MOTION AS MAIN MOTION CARRIED 9/2/2

6. MOTION: ETRIE/SALERNO

Motion to task the Plan Development Team to analyze the recreational catch of cod (retained and discard) in the following spawning areas (1) Winter MA Bay Spawning Protection Area (2) Spring MA Bay Spawning Protection Area; and (3) Gulf of Maine Cod Spawning Protection Area i.e. Whaleback. This analysis should provide the committee with an understanding of both the retained and discarded cod catch in these areas by for-hire and private angler trips that are either targeting cod or haddock. Further; this analysis should provide the committee with a socio-economic analysis of the overall value trips in these areas have compared to the overall recreational fishery.

Rationale: These areas have been identified by the Council as important for cod spawning. The amount of recreational fishing effort that is occurring in these areas and the impacts on cod spawning are not clearly understood.

Discussion on the Motion:

One committee member noted MRIP data does not have the spatial resolution to identify where cod is retained or discarded. Staff noted private anglers are not recording catch at a fine spatial scale, and instead data from ports of landings are utilized by the agency to estimate if catch is coming from the GOM or GB. Staff also noted that a socioeconomic analysis would be complicated because this type of analysis of the recreational fishery typically includes the shoreside component (ice, hotel costs, fuel, etc.). Data from dock intercepts and party-charter trips could be utilized but a lot of assumptions would need to be made.

The maker stated the motion documents the shortcomings of recreational data and may be indicative of a long-term vision of gaining robust recreational data. Multiple committee members expressed the concerns with recreational catch stems from the inadequacy of MRIP data. However, the committee ultimately felt this particular analysis is not a valuable use of PDT time right now or appropriate to include in this framework.

MOTION FAILED 2/9/2

7. MOTION: SALERNO/SMITH

The Groundfish Committee tasks the Plan Development Team to work with Atlantic States Marine Fisheries Commission staff to summarize any information available on documented spawning locations for Southern New England/Mid-Atlantic winter flounder and existing management measures within those areas.

Rationale: Knowing where SNE/MA winter flounder spawn will help identify potential areas that may benefit from additional conservation management measures to promote rebuilding of the stock.

Discussion on the Motion:

One committee member stated it would also be helpful to know existing management measures that are already in place in the spawning areas identified. Another asked if this information is available for GOM cod. Staff explained the cod stock structure working group and research track have looked at cod spawning areas.

A committee member asked if the intention was to identify areas in state or federal waters. The maker of the motion explained they assume most spawning occurs in state waters, and they are trying to have that clarified to determine if there is anything the Council can do to protect spawning SNE/MA winter flounder. Paul Nitschke (NEFSC) clarified most of the spawning occurs in estuaries but was not sure if there is a document that outlines exactly what those estuaries are. Mr. Nitschke also was unsure if spawning in federal waters is documented anywhere but said there is likely some amount of spawning on Nantucket shoals. Tracey Bauer (ASMFC) said they could provide a presentation at a future meeting on where spawning occurs.

MOTION CARRIED 9/2/2

8. MOTION: ETRIE/WARE

The Groundfish Committee requests that the Council include Georges Bank cod as a stock to pursue “additional measures to promote rebuilding” in FW65 specifically to consider mechanisms that could be adopted to minimize the impact of pound-for-pound payback applied to the commercial fishery if the recreational fishery exceeds its catch target.

Rationale: There is concern a delay in implementing updated recreational specifications for GB cod may result in an overage and trigger a pound-for-pound payback by the commercial fishery in a future year.

Discussion on the Motion:

A committee member asked for clarification on what the impacts to the commercial fishery would be if a different GB cod accountability measure is developed. The maker of the motion explained there could be a situation where the commercial fishery stays under their sub-ACL but the recreational fishery exceeds their catch target and the pound-for-pound payback would be taken out of the commercial fisheries allocation. They stated starting on this action now would provide adequate time to investigate what other measures could be utilized. Multiple committee members expressed support for the motion, but one commented the recreational fishery also suffers when there is an overage in a previous year because they become subject to stricter management measures like zero-retention regulations and more limiting size requirements.

Council staff explained the accountability measures could be changed from a pound-for-pound payback into something different, and the motion enables the PDT to have an open discussion. They noted without a sub-ACL for the recreational GB fishery the commercial fishery may still be subject to overages. Attorney MacDonald (NOAA GC) reminded the Committee AMs are in place to address operational issues that lead to overages and correct for any biological impacts, and this action would need to acknowledge how this motion helps to rebuild the GB cod stock. The maker of the motion stated they intend it to be broad right now and stated AMs keep the fishery participants accountable for keeping catch at a level where it will enable stock rebuilding.

MOTION CARRIED 8/2/3

Public Comment:

- Jackie Odell (Northeast Seafood Coalition) asked for clarification on what work is being tasked to the PDT to address the agency's letter that there has been inadequate progress made on the rebuilding of GOM cod and SNE/MA winter flounder. Mr. Christopher (GARFO) said the Committee has considered spawning closures and catch in other fisheries, but there is still time to consider other alternatives and include them in the framework. Council staff further clarified the PDT typically begins to develop draft measures, and the Committee has tasked the PDT with several items to consider. The PDT will have to prioritize amongst the tasks based on which ones are required by regulations like addressing the inadequacy of rebuilding. The PDT will report back over a series of Committee meetings.

AGENDA ITEM #4: ATLANTIC COD MANAGEMENT, DR. Cournane (NEFMC)

Dr. Cournane (NEFMC) presented the GAP's motion that outlines items for the Committee to consider including in a white paper that looks at approaches to allocate "Georges Bank" cod to the recreational fishery.

Questions and Comments on the Presentation:

A committee member noted there must be input from all user groups on a recreational fishery allocation, and stated it is unclear how a reallocation or reclassification of cod may impact the permit market. Another expressed agreement, stating this conversation is still in the early stages and stakeholder input should be solicited frequently. Committee members reiterated the importance of a clear distinction between *reclassification* and *reallocation*. One committee member felt these terms are not interchangeable and depending on how they are defined may or may not have significant impacts on lease markets within the sector program.

One committee member expressed concern with how MRIP data for cod would be split among more than two management units. Another felt some of the items listed by the AP are impractical to look at before the number of management units for cod is decided.

9. MOTION: WARE/SALERNO

The Committee recommends to the Plan Development Team that the White Paper on potential approaches to allocate "Georges Bank cod" to the recreational fishery consider the following:

- a) Management measures that each sector (rec vs. comm) was subject to during time periods considered, including whether the recreational fishery was subject to a catch target, if that catch target was linked to a change in the ABC, and if the catch target was based on old vs. new MRIP data
- b) Whether to consider catch data from years prior to the recreational catch target being established (FY2018)
- c) Identification of years in which an overage of the rec catch target or the commercial sub-ACL occurred and a methodology to ensure overages do not inflate a sub-ACL
- d) If a management uncertainty buffer is appropriate for the recreational fishery and, if yes, the potential magnitude of the buffer
- e) The influence of deducting sub-components after the recreational and commercial sub-ACLs
- f) Using weight vs. numbers of fish in the allocation
- g) If and how state waters catch factors into the allocation
- h) Exploration of what recreational catch is compared to and its impacts (i.e. commercial catch, the ACL, something else?)

Rationale: The listed items expand on the ideas produced by the GAP and provide direction to the PDT on what the white paper should consider.

Discussion on the Motion:

One committee member asked if an item could be added that would request the PDT look at how different management units would impact MRIP data estimates and look at alternative approaches to address the uncertainty in harvest control rules. Council staff stated the impacts on MRIP data is something the PDT is already going to look at, but if the committee member was hoping for an analysis of something similar to the MAFMC's new 'percent change approach' that could be added.

Another committee member suggested an item that would ask the PDT to look at different applications by recreational mode. In response, the maker asked if there have ever been concerns with sector separation between the for-hire and private sectors. Council staff noted it sometimes comes up, but there is typically agreement to keep sectors together. The maker decided not to accept this as an addition to the motion.

A committee member asked for clarification on how overages could inflate a sub-ACL. The maker explained if catch in a year where there was an overage is utilized when considering a base allocation there could be a reward for 'bad behavior,' and noted this could occur on either the recreational or the commercial side.

MOTION CARRIED 10/0/1

AGENDA ITEM #5: AMENDMENT 23 REVIEW METRICS

Ms. Robin Frede (NEFMC staff) shared a list of initial metrics and indicators developed by the PDT to evaluate the efficacy of sector monitoring coverage rates (*see document 4b - Groundfish PDT A23 Metrics discussion notes*) as well as additional suggestions made by the groundfish advisors (*see document 6e - Groundfish Advisory Panel, meeting summary, June 2, 2022*). Ms. Frede asked if the Committee had any additional metrics that should be considered.

Questions and Comments on the Presentation:

A committee member stated they were unclear how these metrics would be utilized in the future to determine the adequate level of coverage necessary to address observer bias in years when there are insufficient federal funds to have monitoring on 100 percent of groundfish trips. Council staff clarified the goal of the review is to evaluate different monitoring rates and how well increased observer coverage and monitoring improve the accuracy of data. Staff noted this is an initial list of ideas that will be refined into specific metrics, and the PDT will continue to solicit input from the Committee, Council, and SSC while the metrics are further developed.

10. MOTION: SMITH/PAPPALARADO

The Committee recommends the Council include the following analyses in the Amendment 23 review metrics:

1. Comparison of target coverage rates vs. realized coverage rates, including comparison between vessels using EM monitoring tools and human at-sea monitors
2. The number of trips where waivers for monitoring requirements are issued and the reason for the waiver
3. Evidence of bias in catch reporting between monitored and un-monitored trips, including:
 - a. Trip duration
 - b. Species composition and size composition of landed groundfish
 - c. Species composition and weight of discarded groundfish
 - d. Ratio of landed to discarded fish by species
4. Overall industry and agency costs for meeting monitoring requirements, including a cost comparison between EM-monitored trips and human at-sea monitored trips
5. Efficacy of the Dockside Monitoring Program required in the Maximized Retention EM program, including purpose of the program (size composition and weights of sub-legal fish, validating dealer weights, hold inspection) cost of the program and the use of information collected

Rationale: An evaluation of comprehensive monitoring should include the listed criteria. Knowing the difference between catch and discards on monitored and unmonitored trips will help clarify the magnitude of the bias.

Discussion on the Motion:

One committee member expressed support for continuing to update the bias analysis. Another expressed concern with using trip duration as an indicator of bias. The maker of the motion stated trip duration and catch composition are interesting when thinking about bias.

Staff asked for clarification on how to look for bias on unmonitored trips when the coverage target is set at 100 percent and noted it will be difficult to get discard information from unmonitored trips. The maker stated even when the target coverage rate is 100 percent there will likely be a lower realized coverage rate and some trips that are granted observer waivers.

MOTION CARRIED 10/0/2

11. MOTION: ETRIE/WARE

To include in the current development of A23 metrics additional analysis that go to quantifying the magnitude of bias analyzed in A23. Specifically, pursue the numerous suggestions offered by the A23 SSC Sub-Panel Peer Review on ways the following two analysis could be further pursued to understand the magnitude of the observer bias question. (1) Methods to Predict Groundfish Catch in the presence of an observer (2) Methods to evaluate groundfish catch ratios A23 analysis

Rationale: New data could be utilized to identify an appropriate and economically feasible level of coverage to account for observer bias if federal funds are not available. The SSC Sub-Panel Peer Review noted they were not able to identify the magnitude of the bias but listed these two ways as potential methods to better understand the magnitude of bias.

Discussion on the Motion:

One committee member noted the SSC-Sub Panel felt these were promising areas to pursue and worth revisiting.

MOTION CARRIED 10/0/1

12. MOTION: SALERNO/ETRIE

Include the following under A23 metrics:

1. True cost of monitoring at significantly higher targets by sea day (not days absent)
 - a. including sea day rate, travel, training & meal reimbursement, equipment, operations costs etc.
 - b. should be for each of the 3 industry paid programs, ASM, Audit EM & MREM
2. Statistical Area/BSA Reporting (Palmer work) - comparing VTR/OBS/VMS data
 - a. can help determine if getting better with higher levels of coverage
 - b. also can help to determine if differences are due to misreporting or due to differences in guidance
3. Compare/Contrast discard estimates by monitoring program (ASM, Audit EM, MREM, NEFOP)
4. Rerun PDT observer bias work since don't expect coming close to 100 % realized rate for trips with ASM requirements
 - a. can simplify this work by tailoring analysis to those that showed significant differences originally
5. Examine if those vessels that showed observer bias in the PDT work remaining in the fishery post 23
6. For trips that are exempt from ASM in SNE (west of 7130), could potentially look at observed discard estimates Pre/Post A23 since coverage rates will be dramatically different
7. recommendation of QA/QC on lease price data if examining leasing information

Rationale: There was confusion when the cost of monitoring was presented as days absent, and there has been an increase in costs charged to the industry. There are three distinct programs looking at discards and there should be a clear understanding of any differences between the programs, if they exist. There also was a sentiment by some that bias was only being exhibited by a few vessels so looking at which

vessels are still participating in the fishery may be informative. QA/QC of lease prices should be conducted because several individuals have noticed prices are listed incorrectly in public documents.

Discussion on the Motion:

A committee member asked for clarification on the distinction between sea days and days absent. The maker of the motion explained vessels are charged a sea day rate for an observer no matter how many hours they go out for. In the days absent discussion, those costs were pro-rated to a 24-hour rate. The industry was confused on what the difference was between a day-absent and day-at-sea.

A committee member asked what the maker wanted to be compared between different monitoring programs. The maker explained some boats will be using the audit model electronic monitoring (EM) program and others will be using the maximized retention electronic monitoring (MREM) model. There should be a comparison of discards on parallel trips using these two different methods. He noted on some trips where there was EM and a Northeast Fisheries Observer Program (NEFOP) observer, there ended up being significant differences in the discard estimates made by the camera and the human. The committee member then asked if the maker was hoping to look at two boats fishing side by side or one boat with two different methods being utilized. The maker explained for the purpose of this review they are interested in two different boats with two different methods being utilized.

MOTION CARRIED WITHOUT OBJECTION OR ABSTENTION

AGENDA ITEM #6: COUNCIL RESEARCH PRIORITIES, DR. Cournane (NEFMC)

13. MOTION: WARE/GRIFFIN

Move to accept the Plan Development Team suggestions regarding the 2022-2026 Council research recommendations related to groundfish and add two additional research priorities:

1. The Groundfish Committee re-affirms that aging white hake and redfish be added to the research priorities as an urgent need.
2. Pursue updates to the recreational bio-economic model for cod and haddock based on work to improve this model for summer flounder

Rationale: The Committee has discussed the importance of aging in the past and wants to reaffirm the previous request made. Also, there have been numerous updates to the bioeconomic model for summer flounder, and it would be valuable to know if these updates apply to cod and haddock.

MOTION CARRIED WITHOUT OBJECTION OR ABSTENTIONS

AGENDA ITEM #7: OTHER BUSINESS

Spencer Talmage (GARFO) provided an update on the NOAA Fisheries *Draft Action Plan to Reduce Atlantic Sturgeon Bycatch in Federal Large Mesh Gillnet Fisheries*. Mr. Talmage explained that a working group with members from GARFO, NEFSC, and state agencies was created to fulfill the requirements of a Biological Opinion (BiOp) published in May 2021. The BiOp required the report include information on Atlantic sturgeon bycatch in gillnet fisheries with a mesh size greater than or equal to seven inches, post-release mortality, and a plan for filling information gaps. Mr. Talmage reiterated this

is not a prescriptive document but a starting point for NMFS and the Councils to identify methods to reduce sturgeon bycatch by 2024. GARFO is welcoming input on the draft document.

One committee member suggested:

- Correcting the statement that stand-up gear is used for flatfish and tie-down gear is for roundfish when in actuality the reverse is the case (page 13);
- Clarifying what the baiting effect is, and an explanation on how this increases interactions;
- Reviewing the first actionable conclusion, which states 5.5-10 inch mesh gillnets are the primary causes of sturgeon interaction. The majority of the monkfish fishery uses 12-inch gear.³
- Accounting for the decline in gillnet effort in the GOM;
- Taking into consideration how offshore wind development may displace effort and therefore the rates of interaction.

The Committee meeting adjourned at approximately 5:40 p.m.

³ Mr. Talmage clarified this range reflects the minimum mesh size required for these fisheries.