



## New England Fishery Management Council

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# MEETING SUMMARY

## Groundfish Committee

DoubleTree by Hilton, Danvers, MA

January 15, 2019

The Groundfish Committee (Committee) met on January 15, 2019 in Danvers, MA to discuss and make recommendations on: 1) the draft alternatives for Amendment 23/Groundfish Monitoring; 2) a proposal for a new groundfish sector; 3) the draft outline for the Groundfish Catch Share Review report; 4) 2019 research priorities; and 5) other business as necessary.

**MEETING ATTENDANCE:** Terry Stockwell (Chair), Terry Alexander (Vice Chair), Rick Bellavance, Libby Etrie, Mark Godfroy, Steve Heins (Mid-Atlantic Fishery Management Council (MAFMC)), Peter Kendall, Meredith Mendelson (proxy for Patrick Keliher), John Pappalardo, and Melanie Griffin (proxy for David Pierce); Dr. Jamie Cournane and Robin Frede (New England Fishery Management Council (NEFMC) staff). In addition, 2 members of the public attended, including Jackie Odell (Groundfish Advisory Panel (GAP) member).

Note: Due to the partial federal government shutdown, NOAA staff were on furlough and unable to attend the Committee meeting.

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) Meeting memorandum and agenda dated January 8, 2019; (2) Presentation: Council staff; (3a) Amendment 23/Groundfish Monitoring - Draft alternatives; (3b) Memo from Council Staff to Committee re follow-up on A23 draft alternatives; (4a) Proposal for a new groundfish sector - New Groundfish Sector, Mooncusser, Proposal; (4b) Letter from Pentony to Nies re new sector proposal for fishing year 2019; (4c) Memo from PDT to Committee re new groundfish sector, Mooncusser, proposal; (5) Draft outline for Groundfish Catch Share Review; (6) List of Council's Research Priorities; (7a) Groundfish Advisory Panel meeting summary, Nov. 8, 2018; (7b) Groundfish Committee meeting summary, Nov. 8, 2018 and (8) Correspondence.

The meeting began at approximately 10:15 a.m.

### KEY OUTCOMES:

- The Committee recommends to the Council to support the "Mooncusser Sector" for approval in fishing year 2019 and beyond.

Staff began by asking if the Committee had any questions about scheduling due to the partial federal government shutdown. One Committee member asked what would happen to the development of recreational measures (which were supposed to have been discussed at this Committee meeting) and

whether this would be rescheduled to the April Council meeting. Staff clarified that the recreational measures would remain in place until revisited, and explained that if the government does not reopen soon and the Council cannot receive the possible management measures before January that there may be delays in implementation of any new measures. The Chair added that the Executive Committee planned to discuss shutdown impacts on all Fishery Management Plans (FMPs) at its meeting the following day. Staff also explained that there is now a question of when Framework 58 (FW58) will be implemented, and noted that at least specifications for all groundfish stocks are in place, but one potential impact would be the Eastern Georges Bank (EGB) area which will have default specifications for the first three months for EGB cod and then no allocation. One Committee member explained that sectors have two-year authorizations for their sector operations plans and that this is a year when they need GARFO authorization in order for sectors to operate, and was not sure what will happen if they cannot get authorized by May 1.

#### ***AGENDA ITEM #1: AMENDMENT 23/GROUNDFISH MONITORING***

##### ***PRESENTATION: A23, MS. FREDE***

Staff provided a brief update on Amendment 23 (A23), including a revised timeline for the amendment. Staff also provided an overview of a staff memo to the Committee on follow-up on A23 draft alternatives, which summarizes recent discussion on development of the draft alternatives, and highlights several questions the Groundfish Plan Development Team (PDT) had raised to the Committee in a memo from September 2018 related to the development of alternatives, particularly dockside monitoring (DSM) alternatives. The goals of the Committee's discussion were to discuss the range of alternatives for A23, including the PDT's questions on the development of the alternatives, and possibly make recommendations to the Council on the draft alternatives.

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

One Committee member noted the hindcast analysis provided by Center staff to examine impacts of the new method for deploying the Standardized Bycatch Reporting Methodology (SBRM) to determine monitoring coverage levels, and asked if the PDT has discussed this in consideration of whether the monitoring rate for the At-Sea Monitoring (ASM) program should be tied to the Northeast Observer Fisheries Observer Program (NEFOP) rate. Staff clarified the PDT had not yet had an opportunity to discuss this paper but plans to discuss it at a future meeting. Staff also noted that a presentation on the hindcast analysis is scheduled to occur at the in-person sector managers meeting scheduled for next week, but in light of the government shutdown it is not clear yet if that meeting will still occur or will be rescheduled.

##### ***Discussion:***

The Committee discussed the questions the PDT raised on development of the draft alternatives, mainly on DSM, included in the staff memo. There was a roundtable discussion in which Committee members offered up their thoughts on DSM program objectives and design and others built upon these or offered alternative ideas. The Committee discussed the intended objectives of a DSM program, with several Committee members agreeing that the objective is to ensure accurate reporting by dealers, in order to ensure species are being reported correctly and to make sure everyone in the fishery is on a level playing field by removing the potential for black market fish. Some Committee members felt that in order to be effective and achieve the intended objectives, DSM would need to be mandatory and be applied at 100% coverage. Other Committee members did not support mandatory DSM for the entire groundfish fishery but did support the idea of DSM as a component of a monitoring program that sectors could choose.

Some said that there could be electronic options for DSM, and suggested as an example a scenario where a sector could use electronic monitoring (EM) to verify that no discarding is occurring at-sea and then do the accounting back at the dock through DSM, while another sector may want to employ EM with an audit model and not have a DSM component and just use current law enforcement to intercept at the dock. It was suggested that both of these scenarios would need to meet certain monitoring standards which should be set by A23. One Committee member said he would rather see DSM as an optional program and have more law enforcement to catch the “bad apples”, noting there may be some lessons learned from the Carlos Rafael case. He also pointed out that some Committee members have said they support 100% DSM but not 100% at-sea monitoring (ASM), and said the Committee may want to consider this especially when ASM may be more effective and have similar costs to DSM.

There was discussion as to whether dealers or vessels should pay for DSM. Some Committee members felt that since sectors already contract for at-sea monitors that it would be fairly simple to set up contracts for dockside monitors. Some said they could consider DSM being a dealer cost and not exclusively a sector cost. Others felt that it may be a step too far to create programs and standards for dealers, and that the onus for the Council is on accurately accounting for fish and they should focus on accounting for fish at the first interaction point and get a better handle on what is caught at sea. One Committee member said that while she understands the potential for “mission creep” concerns, dealers do also keep a record of fish so they are a part of the catch accounting system. She also said the Council should think more broadly about improving efficiencies in these programs, for example, by exploring ways to combine federal and state program efforts where possible. Another Committee member pointed out that additional tool for increasing catch accounting is QA/QC after the dealer receives the fish, and suggested the Council could look at improving this segment of the system to improve accuracy, and that the Committee could ask NMFS what lessons have been learned from the Carlos case on dealer data QA/QC.

The Committee also discussed the PDT’s questions on some of the details of DSM program development. On the topic of whether the dockside monitors should use the dealers’ scales or be required to provide their own scales, many Committee members agreed that since the state inspects dealer scales annually, dockside monitors should be able to use these and not have to carry their own scales. One Committee member did point out that if the goal is to also have monitors weigh any fish that may be directly offloaded from vessels to trucks, then monitors may need to carry scales, and said these types of details will depend on the program design. Many felt it should not be a problem for dealers to accommodate access for the dockside monitor and provide a workspace, as this is already provided to crew who tally the catch. One Committee member noted that for insurance concerns about monitors accessing vessels, there is a record of past discussions on this subject from the previous DSM program, and noted that DSM program design will have to consider the issue with some boats having general liability coverage while others may be uninsurable. Another Committee member pointed out there could be insurance issues for those vessels that offload directly to trucks. Some felt that access to the fish held by the monitors would be important to consider, particularly if DSM coverage is to be 100%. One Committee member said that the challenge of implementing DSM in remote ports has been a concern for some segments of the fishery in the Maine coast, but these sector members are beginning to open up to the idea of DSM even in remote ports, especially the idea of electronic options for DSM that would avoid issues of vessels having to wait for dockside monitors to travel to remote ports.

Another Committee member noted more generally that the Committee and Council will need to think about whether these monitoring programs can be enforced and consider whether the resources are in place to enforce these regulations. One Committee member said that as feedback for the PDT to consider between now and when they have the joint Committee/GAP/PDT meeting on monitoring standards, that the PDT should keep in mind that an EM option with DSM should be considered a separate program from a stand-alone DSM program as these may have different objectives. Another Committee member

acknowledged the challenge with developing alternatives for A23 because the Committee/GAP/PDT haven't yet had the discussion on what the objectives of improvements to monitoring should be, and so it is difficult to develop monitoring tools at this point. She suggested that once the PDT is able to present to the Committee what the concerns are for monitoring the fishery, that it would be helpful for the PDT to then provide different tools to address the concerns.

Staff clarified that they do not necessarily need motions from the Committee today on development of the draft A23 alternatives, but will note the discussion on these PDT questions and share the summary with the PDT.

## ***AGENDA ITEM #2: NEW PROPOSED GROUND FISH SECTOR***

### ***PRESENTATION: NEW PROPOSED GROUND FISH SECTOR, DR. Cournane***

Staff provided an overview of a new proposed groundfish sector, the "Mooncusser Sector", and explained the process established in FW55 for how new sectors are approved, noting that the Council has to endorse a sector or NMFS will not approve it, although there could be other reasons for NMFS to disapprove a new sector. Staff explained that the PDT reviewed the sector's proposed operations plan and found the language to be standard with nothing that raised concern, although noted that the in the cover page the sector is to be lease only but the PDT did have a question of whether the sector could become active in the future and what the process would be for the Council to review that. The goals of the Committee's discussion were to discuss the proposal for a new groundfish sector (the "Mooncusser Sector") and provide a recommendation to the Council on the possible approval of a new groundfish sector.

#### ***Discussion:***

One Committee member explained that the language in the sector's proposed plan on active fishing is included so the operations plan can be analyzed as active should it become active in the future even if currently the sector plans to be lease only. Another Committee member agreed that the language seemed standard and said he understands why the new sector wants to form as lease only to avoid the liability of active fishing members. One Committee member said she doesn't think the Council needs to review the proposed plan again in the future even if the sector were to become active, as the language for active fishing is already included and that given the small number of anticipated permits in the new sector, the impacts to becoming an active sector would be very small.

#### **Motion #1: Etrie/Alexander**

The Groundfish Committee recommends to the Council to support the "Mooncusser Sector" for approval in fishing year 2019 and beyond.

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

## ***AGENDA ITEM #3: GROUND FISH CATCH SHARE REVIEW***

### ***PRESENTATION: GROUND FISH CATCH SHARE REVIEW, DR. Cournane***

Staff provided an overview of the draft outline for the Groundfish Catch Share Review report. Staff explained that last year the Council formed a technical working group comprised of NEFMC, GARFO, and NEFSC staff, and put together an outline for review. Staff also said that the Council is seeking a

contractor for the report. The goals of the Committee's discussion were to discuss the draft outline for the Groundfish Catch Share Review report and develop recommendations to the Council on the draft outline.

Questions and Comments on the Presentation:

One Committee member asked how the outline addresses effort shifts in the fishery. Staff responded to the extent as included in the draft outline of summarizing trends. The Committee member also asked more generally how the Council's catch share policy handles other fishery components like recreational fishing. Staff said the outline could better explain the catch share policy, and noted that how allocations work is discussed in the outline, but the focus would be on the commercial groundfish fishery. Another Committee member commented that the outline seemed thorough, and asked if the end product will resemble the Scallop ITQ review. Staff confirmed that it would, and explained that the process will include a review by the Scientific and Statistical Committee (SSC), followed by an opportunity for the GAP and Committee to examine and discuss the report. Staff also explained that some catch share reviews go through a stakeholder review process, and asked the Committee to think about whether this is an important part of the process that should be considered for the Groundfish Catch Share Review. One Committee member commented on the bullet about a satisfaction stakeholder survey and asked whether that is about satisfaction of eligibility requirements or satisfaction with the catch share program more generally. Staff clarified that this is in reference to a survey being developed by the NEFSC's Social Science Branch, and they are not sure if it will be included in the review or not.

Discussion:

One Committee member commented on the bullet in the outline for "new entrants", and said she hears from stakeholders that a challenge to new entrants is needing to have a diverse portfolio of permits which can be difficult from an investment standpoint, and said she was not sure if this is beyond the scope of the review. She also suggested that for the bullet discussing "redirection of effort", that it may be useful to look at the groundfish fishery before the catch share program. The Committee member also commented on the stakeholder engagement component, and said that the decision of whether to have this part of process and when will depend on what level of details the review is looking to collect. She suggested that if a stakeholder survey is included in the process that the questions asked will need to be well thought out so stakeholders can answer concretely. Another Committee member said she thinks it would be better to have the proposed stakeholder satisfaction survey earlier in the process, as it seems disingenuous to ask people how they feel about the report at the end of the process, particularly since there is already a process in place for review of reports through the GAP and Committee.

One Committee member said he thinks it will be difficult to separate comments on the status of resources from comments on the structure of the catch share program, because if groundfish stocks were healthy and people in the fishery were making money there would most likely be very different responses to views of the program structure. He suggested it might be useful to include in a survey a question that asks whether stakeholders' views are strictly on the program structure, or whether they are intertwined with stock status. The Chair asked how the Committee's discussion on the Catch Share Review will be presented at the Council meeting. Staff explained that the Council will receive a summary of the Committee discussion, noting that the Committee mostly supports the draft outline but has a few considerations. Staff said the Council could have a discussion on the public outreach process and provide guidance on whether or not that should be a part of the review and at what stage, and summarized the Committee's discussions that there was mixed response on the structure of the stakeholder review, noting

that as early as possible is preferred, and that several Committee members noted there is already a process in place to review reports upon completion through the GAP and Committee.

#### ***AGENDA ITEM #4: 2019 RESEARCH PRIORITIES***

##### ***PRESENTATION: 2019 RESEARCH PRIORITIES, DR. COURNANE***

Staff provided an overview of the list of 2019 Council research priorities and explained that the Council is moving to new research priority process this year, in which the Committee and Council will be reviewing the list and recommending new priorities annually by a time certain. Staff noted that the PDT, GAP, and Recreational Advisory Panel (RAP) have not reviewed the research priorities yet, and said that Committee members can also make recommendations at the April Council meeting, noting that this will not be discussed at the January meeting. The goals of the Committee's discussion were to discuss the Council's current research priorities, and possibly make recommendations to the Council on 2019 research priorities.

The Committee recommended adding the following to the list of 2019 Council research priorities:

- Reaffirm/highlight Priority #26 - Is the current definition of the directed groundfish fishery (landing >1 lb. groundfish per year) still appropriate?

Description/rationale: It was recommended that a different definition of the groundfish fishery be explored, particularly to ensure that the economic analysis done for groundfish actions accurately captures the groundfish fishery. There was discussion that this item could be both a research and management question.

- For Priority #28 - Investigate the feasibility of groundfish permit splitting by stocks - recommend that this go beyond the groundfish fishery and also investigate permit separability across all FMPs.

Description/rationale: This priority should be expanded to explore additional ways to increase flexibility and reduce the barriers for new entrants to various NEFMC managed fisheries, in order to achieve the goals of the FMPs. It was recommended that the Council should explore why the decision was made to bind certain permits together and revisit this to see whether it is still appropriate today. This could involve the MAFMC or be limited to NEFMC permits.

- Explore the discard mortality rate of Georges Bank (GB) cod for the recreational fishery (possibly fits under Priority #52 - Investigate groundfish discard mortality rate estimates across gear types).

Description/rationale: There is currently a different mortality rate used for GB cod than for GOM cod for the recreational fishery, and the explanation for this difference is not clear.

#### ***AGENDA ITEM #5: OTHER BUSINESS***

One Committee member recommended that the Committee think about what to do with the partial government shutdown and the potential that sector operations plans may not be approved for May 1,

including whether there is some way to request an Emergency Action if that would speed up the process. The Chair said he expects the Executive Committee would discuss this at its meeting.

Another Committee member brought up the letter from the Conservation Law Foundation and the Environmental Defense Fund on monitoring issues and A23, and asked if there is any way to get updated coverage levels beyond those from September 2018, as well as the coverage levels from last year to compare across all sectors. Staff said they can request updated information when GARFO staff are back to work, but cautioned that they are not sure they will be able to replicate this information without knowing what GARFO does to calculate these rates. Another Committee member confirmed they are also not sure whether any public information like coverage levels have been updated recently and are not sure whether sector managers are receiving updated information at this time. She also explained that sector managers have been working with sector members and providers to increase monitoring coverage, noting that some sectors have sent in outlines to GARFO documenting the unintentional scenarios that had resulted in low monitoring coverage levels.

One Committee member asked about GARFO's recreational fishery workshops that were to be held in January but were postponed due to the partial government shutdown and whether these will be rescheduled. Staff said that the plan is to reschedule the workshops, but these cannot be rescheduled until the shutdown ends and GARFO staff return. Related to recreational fishing issues, staff brought up the Council's listening sessions for limited entry in the party/charter fishery and noted that these are in the planning stages, and the Chair added that they are working on scheduling these and making sure they are held in the right ports based on permits and landings of NEFMC managed groundfish stocks, rather than by ports that target mainly MAMFC and Atlantic States Marine Fisheries Commission (ASMFC) managed stocks such as fluke. The Chair also noted correspondence from some members of the RAP asking the Committee to recommend to the Council to consider recommending that MRIP collect Wave 1 (January and February) data because there has been notable winter recreational fishing activity, particularly for GB cod<sup>1</sup>, and he suggested that the Committee think it over and discuss this at the January Council meeting. One Committee member said it would be helpful to get clarification from MRIP on why they don't currently collect Wave 1 data.

The Groundfish Committee meeting adjourned at approximately 12:00 p.m.

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<sup>1</sup> See "Recreational Advisory Panel Meeting Summary, October 29, 2018" for a summary of the RAP's discussion.