



New England Fishery Management Council

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## MEETING SUMMARY

### Groundfish Oversight Committee

DoubleTree, Danvers, MA

January 14, 2016

The Groundfish Committee (Committee) met on January 14, 2016 in Danvers, Massachusetts to: (1) receive an update from the Plan Development Team (PDT) on witch flounder analysis for Framework Adjustment 55 (informational purposes only); (2) discuss and plan for 2016 Council priorities for groundfish; (3) review and potentially provide input on draft guidance prepared by NMFS related to the evaluation of catch share programs; (4) review and discuss potential 5-year research priorities for groundfish; and (5) discuss other business, as necessary.

**MEETING ATTENDANCE:** Frank Blount (Chairman), Mr. Terry Alexander (Vice Chair), Ms. Ellen Goethel, Mr. Peter Kendall, Ms. Libby Etrie, Mr. John Pappalardo, Mr. Vincent Balzano, Ms. Melanie Griffin, Dr. Matt Mackenzie, Mr. Howard King (MAFMC), Mr. Jeff Kaelin (MAFMC), Ms. Sarah Heil (GARFO), Mr. Terry Stockwell (Council Chair); Dr. Jamie Cournane, Dr. Rachel Feeney, Mr. Jonathon Peros (NEFMC staff); Mr. Mark Grant, Mr. Brett Alger (NMFS SFD GARFO staff), Mr. Mitch MacDonald (NOAA General Counsel). In addition, approximately 10 members of the public attended, including several members of the Groundfish Advisory Panel.

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) meeting memorandum dated January 7, 2016; (2) Meeting agenda; (3b) SSC memo to the Council re: FY 2016 – FY 2018 Groundfish OFLs/ABCs (November 17, 2015); (3c) Presentation of PDT analysis of 2016 ABC for witch flounder; (4) Presentation of 2016 Council Priorities for Groundfish; (5a) NMFS Draft Guidance for Conducting Reviews of Catch Share Programs; (5b) NEFMC staff input on NMFS Guidance on Catch Share Program Reviews (November 13, 2015); (6a) NEFMC Research Priorities and Data Needs, 2010 - 2014; (6b) PDT memo to the Groundfish Committee re: 2016 Groundfish Priorities and five year research priorities for Groundfish, January 12, 2016; (7) Correspondence.

**KEY OUTCOMES:**

- The Committee developed a problem statement aimed at assessing the groundfish sector at-sea monitoring (ASM) program.
- The Committee recommended that PDT work to address the sector ASM program be the top priority of Council for early 2016.

The meeting began at 9:10 am.

There were no suggested changes to the agenda.

**Presentation on Framework Adjustment 55: Witch Flounder (Dr. Cournane)**

Council staff provided a brief update on the Framework 55 process, explaining that staff has been preparing the document for preliminary submission to NMFS. Staff noted that the preliminary total coverage rate of 13% presented at the Council meeting has been updated, and now the total coverage rate is expected to be 14% (a 1% difference).

Staff reviewed a Council motion from the December 2015 meeting which requested that the SSC develop an additional alternative for the 2016 ABC for witch flounder without being constrained by the  $75\%F_{MSY}$  control rule, and shared the terms of reference (TORs) for the upcoming SSC meeting on January 20, 2016. The SSC has been asked to characterize the risks and benefits of setting a 2016 ABC for witch flounder that is between the ABC calculated at  $75\%F_{MSY}$  and the OFL. Based on the analyses, the SSC may choose to consider an ABC for witch flounder that is not bound by  $75\%F_{MSY}$ . If the recommendation exceeds  $75\%F_{MSY}$ , the SSC would need to recommend any necessary adjustments to the OFLs and ABCs in FY2017 and FY2018.

Staff provided an informational overview of the PDT's work on witch flounder analyses since the December Council meeting. The PDT met several times via webinar to discuss witch flounder analyses, which included discussions with industry on sector level data. The Groundfish PDT will meet again on January 15, 2016 via webinar.

For context, staff reviewed high-level points with the Committee from the 2015 witch flounder assessment. As of the most recent assessment, witch flounder is overfished and overfishing is occurring. The stock is currently in a seven year rebuilding plan with a target date of 2017, though projections indicate that the stock cannot rebuild by 2017 with an  $F=0$ . In 2014, the stock was estimated to be at 22% of the rebuilding target SSB and 246% of its target  $F$ . A retrospective adjustment was applied to the terminal year of the 2015 assessment. Compared to the 2012 assessment, the magnitude of the retrospective pattern has increased slightly for  $F$  and decreased slightly for SSB.

The PDT updated the calendar year (CY) estimate of witch flounder catch to 601mt, which amounted to a 36 mt reduction from the previous estimate. The re-estimate of the CY catch would increase the 2016 ABC to 399 mt and the 2016 OFL to 521 mt using the  $75\%F_{MSY}$  control rule. The PDT has carried forward these numbers in its analyses for the framework. The PDT examined rebuilding projections through several sensitivity runs keeping  $F=0$  and holding  $F$  constant at  $75\%F_{MSY}=0.209$ . Witch flounder is projected to rebuild by 2020 with a 75% probability at  $F=0$ . The rebuilding timeline increases as  $F$  increases, with the stock projected to rebuild by 2025 with a 76% probability at  $F=0.209$ . The PDT developed four new catch projections for FY 2016 – FY 2018 aimed at quantifying the range of catch projections between  $75\%F_{MSY}$  and  $F_{MSY}$  for the SSC. Additional analyses were in progress for the SSC meeting, which included updates to the quota change model (QCM), evaluation of observer data, updated social impacts, and a discussion of biological and economic impacts.

**Questions and Comments on the Presentation:**

The Committee discussed whether or not it should recommend a number to the SSC. A Committee member in support of this concept felt that providing a number would give the SSC direction prior to full discussion at the Council. Speaking against this idea, another member felt that it would be bad practice for the Committee to tell SSC what number they feel is appropriate. Instead, they suggested it is appropriate for the Council to communicate the level of risk it is willing to accept to the SSC, and for the SSC to recommend ABCs and OFLs.

Several Committee members commented on a plot of observed catch data from sector trips in CY 2014 provided in the presentation by Council staff. One Committee member commented that witch flounder are caught in May and June at high rates in on Georges Bank, and felt that vessels were actively avoiding

fishing in areas with high concentrations of witch flounder under current quotas. Another Committee member supported this statement, adding that fishermen are actively avoiding witch flounder and still encountering them. Multiple members felt that witch flounder plot was an indication that the stock is healthy and widely distributed, making them difficult to avoid. Staff offered that the plot is a one-year snapshot, showing where catch of witch flounder occurred on observed hauls. The Committee briefly discussed operational differences between vessels fishing exclusively inshore and those with larger ranges, noting that the reduction to the GOM cod quota left inshore vessels with few options.

#### **Groundfish Priorities - 2016 (Dr. Cournane)**

Staff presented each of the Council's 2016 groundfish priorities listed in Figure 1 below. The purpose of this priorities discussion is to allow the Committee to formulate additional discussion around some of the items, and to provide guidance to PDT work after Framework 55 is submitted. With regard to the action to adjust ASM provisions, staff noted that a problem statement would help define the Committee and PDT's work on this issue. Staff explained that the recreational management measures process and the windowpane flounder management alternatives were priorities in 2015, but had been deprioritized to allow for work on ASM. The process for reviewing groundfish catch in other fisheries would consist of an analyses looking into groundfish catch estimates in non-groundfish fisheries and in state waters. In addition to staff work, two multi-year priorities came forward for 2016. These include an action to explore limited entry in the groundfish party/charter fishery, and the development of alternative strategies for setting catch advice.

**Figure 1 – Council's 2016 Groundfish Priorities**

<p><b>Annual</b></p> <ul style="list-style-type: none"> <li>• Set specifications for US/CA stocks for 2017*</li> <li>• Action to adjust At-Sea Monitoring provisions</li> <li>• Recreational management measures process</li> <li>• Process for review of groundfish catch in other fisheries</li> <li>• Windowpane flounder management alternatives</li> <li>• <u>Staff</u>: Cod Stock Structure Workshop</li> <li>• <u>Staff</u>: Five year sector review</li> <li>• <u>Staff</u>: TMGC/TRAC</li> <li>• <u>Staff</u>: Witch flounder assessment</li> </ul> <p style="padding-left: 40px;">*Regulatory requirement</p> <p><b>Multi -Year</b></p> <ul style="list-style-type: none"> <li>• Amendment to consider limited entry in the groundfish party/charter fishery</li> <li>• Develop alternative strategies for setting catch advice for stability in annual catch limits</li> </ul>
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#### **Questions and Discussion on the Priorities Presentation:**

Staff clarified that the process for review of catch in other fisheries would be the development of a process for reviewing groundfish catch in non-groundfish fisheries.

The Committee had a discussion around the development of a problem statement for the ASM priority. Several members of the Committee suggested that the current ASM program should be reformed to be

more cost effective and consistent with the evolving goals and objectives on the program (proposed changes in Framework 55). Another Committee member felt that the focus should be on what the minimum coverage level is needed to develop accurate and precise estimates of groundfish discards. Several Committee members felt that the problem had been articulated in an Emergency Action request that the Council had sent to NMFS. That is, when industry funded ASM requirements were established, the expectation was that increased catch limits as a result of rebuilding would enable the industry to afford ASM costs.

*Public Comment:*

Ben Martens, Maine Coast Fishermen's Association. *While we are using these monitors to calculate discard rates, it is important to recognize what is happening to the herring fleet. The lower coverage rate that is being extrapolated out is shutting down that industry. We have not thought about going to lower observer coverage rate for the groundfish fleet, and what that could mean for our discard rates if something bad were to happen on any given trip that was covered. The other thing that is a piece of this equation that we don't spend a lot of time talking about is accountability and enforcement. This is something that the fishermen that we work with are talking to me about more and more.*

**Motion #1** - (Etrie/Alexander):

Problem Statement:

When industry-funded ASM requirements were established in Amendment 16, the expectation was that increased catch limits – as a result of rebuilding – would enable the industry to afford these costs. A series of circumstances since the implementation of Amendment 16 now warrant analysis of the ASM program– and potential management action.

Therefore, the Committee requests analysis of the following by the PDT prior to the April Council meeting.

To assess whether:

1. ASM is achieving goals and objectives as identified & prioritized in FW55;
2. Goals and objectives require further revision;
3. ASM provides the maximum flexibility for all segments of the sector fishery to meet goals and objectives;
4. The CV requirements and methodologies to achieve these requirements are the most appropriate for the sector system.

Further, reducing the cost of ASM should minimize significant economic impacts (i.e., economic losses) to the groundfish fishery and minimize negative social impacts (i.e., those that reduce resiliency and increase vulnerabilities of fishing communities).

*Discussion on the motion:* Several committee members helped to perfect the motion. The Committee also noted that the PDT had started to explore several changes to ASM through the FW 55 process that ultimately could not be pursued in the framework action. Multiple Committee members felt that the Committee and PDT should continue to develop these approaches as part of an ASM action.

The Committee discussion generally recognized that tools and approaches to address ASM issues may vary by sector or by fleet. A Committee member noted that individual sectors may wish to use a range of tools to meet the goals and objectives of the program, and a one-size-fits-all approach may not be appropriate. There were some questions around whether or not reviving the dockside monitoring program

would lead to a cost savings relative to the current ASM program. Other suggestions included consulting the NEFSC on the utility of data streams coming out of the ASM program (with a focus on affordability and data quality). Another Committee member suggested that work should focus on the ASM goal of catch accounting.

**Public Comment:**

*Maggie Raymond, Associated Fisheries of Maine. Thank you, Frank. I am seeking some clarification. Would number three (in Motion #1) allow for a sector to choose a full retention program? [The maker responded in the affirmative.] With regard to the cost/benefit analysis, I think we also need to be aware of the threat to human life by having observers go aboard these vessels. It is a safety at sea issue.*

The Committee worked through how the terms ‘resiliency’ and ‘vulnerability’ should be defined for PDT analyses. Several committee members suggested that the PDT focus on *economic* resiliency and *social* vulnerabilities. Another Committee member suggested that the PDT refer to work by the NEFSC Social Science Branch on [fishing community vulnerability and resilience](#).

**Public Comment:**

*Vito Giacalone, Northeast Seafood Coalition. I think we are using too many broad terms. I think that cost/benefit is going to need to be part and parcel. Evaluating the ASM program comes down to costs and benefits, and the definition of what people perceive as benefits is extremely subjective. What is a benefit to industry may not be the most important to the science center or managers. It is going to be really important to not send anyone off to do extra work on a cost-benefit analysis using their own subjectivity about what a benefit is.*

Council staff sought clarification on the appropriate vehicle to address data quality and the CV standard in the FMP. NOAA General Council could not comment definitively on the appropriate vehicle (framework vs. amendment) at this time as ideas and analyses still need development.

Motion #1 as friendly amended **carried** on a show of hands 10/0/2.

The Committee immediately transitioned to a conversation on the prioritization of groundfish priorities for 2016. The discussion opened with support for making work on ASM a top priority. With regard to the review of state waters and other sub-component catches, Ms. Griffin from the Commonwealth of Massachusetts noted that MA DMF will be pursuing cooperative research opportunities aimed at reviewing the existing configuration whiting small mesh exemption areas.

**Motion #2 – (Goethel/Alexander):**

That the Groundfish Committee recommends to the Council that the ASM action and completing the analyses in Motion 1 be of the highest priority for the 2016 groundfish priorities.

*Discussion on the Motion:* Ms. Heil suggested that while ASM is top priority, work would not necessarily need to stop on priorities that are a continuation of prior work, such as windowpane flounder management measures.

Motion #2 **carried** on a show of hands 11/0/1.

### ***Comments on Draft Guidance for Conducting Catch Share Program Reviews (Dr. Feeney)***

Staff explained that the Magnuson Stevens Act requires periodic review of all limited access privilege programs (LAPPs) established after 2007. NOAA's Catch Share policy indicates that periodic reviews are expected of all catch share programs, irrespective if they are LAPPs or not (e.g., groundfish sectors are not LAPPs). Council staff has prepared comments on the "Draft Guidance for Conducting Reviews of Catch Share Programs" (CSPs) distributed by the National Marine Fisheries Service (NMFS) to the Regional Councils on October 1, 2015. The Groundfish Committee reviewed staff input, and offered comments for inclusion in the document that will be forwarded to the Council. The deadline for comment by the Councils is January 29, 2016.

Key staff comments to-date include ([see 5b](#)):

1. It is unclear to what degree the guidance is intended to convey CSP review requirements vs. recommendations, i.e., the possible degree of latitude in conducting reviews.
2. The review scope is too extensive, including some analyses that may not be directly related to the goals of a CSP and require a vast amount of data that may not be possible to gather in any reasonable amount of time. Rather, the guidance should focus on aspects applicable to all CSPs, and delegate the determination of specific content to each review team. Reviews would be most effective if they could be tailored to each unique CSP.
3. The description of review team participants is too prescriptive, and regions should have the latitude to include, for example, external expertise on a team and/or contract support.
4. Interim reports are unnecessary and unfeasible given current resources and staff commitments.
5. Regions should have the latitude to conduct reviews when five years of fishery data is available, rather than be required to initiate the review within five years.

*Questions and Comments on the presentation:* In general, the Committee was satisfied with the comments prepared by Council staff. Several Committee members offered specific comments to be incorporated into the draft comments, though no motions or formal consensus was reached:

- Review Team - It seems odd to have people responsible for developing and administering catch share programs also reviewing it. Industry should have a seat on the review panel.
- Relevance -The document seems specific to LAPPs, and the groundfish catch share system is very different from LAPPs. Council's should be able to determine what is relevant to the specific CSP under review.
- Program Review - The document outlines specifics about cost recovery, and achieving economic benefits. It does not speak to cases when the fishery has not rebuilt or realized an increased economic benefit. It talks about what to look for when a program appears to be working, but it does not talk about what to look for when the program appears to not be working.
- Focus of Analysis - With regard to groundfish sectors, the focus of economic analyses should be specific to groundfish catches and not incorporate revenues from other fisheries like lobster.
- Requirements - There needs to be clarity around what elements of the review are legal LAPP requirements versus recommendations for best practices. The latter should be at the discretion of the Council.
- Public Participation - The current process for public participation in the reviews is not clearly defined. There should be opportunity for the public to comment on a report before it is finalized. In general, there needs to be meaningful opportunity for public input.

Ms. Heil explained that if the Council did not do a five year review of the groundfish sector program, NOAA would likely initiate a review. As the Council may wish to revise the CSP based on the review, it may have interest in shaping the report. Council staff clarified that the Groundfish PDT is awaiting final guidance on the review process prior to initiating a review, and noted that there are a range of analyses that have already been completed as part of management actions that could feed into such a review.

**Council Five Year Research Priorities (Dr. Cournane):**

Staff reviewed the process for developing the Council's 5-year research process (documents 6a and 6b). The process begins with the PDTs generating a list of five-year research priorities, which is then reviewed by the Committee. After Committee input, the Council's SSC provides comments, and the list is forward to the Council for consideration and approval. The groundfish PDT's recommendations are broadly binned into five (5) categories ([see 6b](#)): stock assessments, surveys, biology, economic/social, and management.

*Questions and Comments on the Presentation:* Members of the Committee expressed support for priorities around breaking out the Bigelow series as a separate index of abundance, investigating retrospective issues, stock structure, and the impacts of the loss of the winter survey. Ms. Griffin noted that MA DMF is planning another industry-based survey (IBS) that will focus on cod and other groundfish species. The Committee offered the following modifications and additions to the PDT's list of five year research priorities:

- Modify the recommendation to advance assessments by incorporating other surveys as appropriate to include state surveys *and collaborative surveys*.
- To sample untrawlable bottom, consider the use of pot surveys and continue longline surveys.
- Research to explore mesh size efficiency with regard to new minimum fish sizes.
- Consideration of folding additional permits/fisheries into the sector system. Broaden the definition of who is allowed to join a sector. Sector system could host or harbor permits beyond groundfish and allow utilization. Issues/Questions to consider:
  - Identify situations where quota could move out of the sector system.
  - What would be an appropriate qualification into the sector system?
  - What are the most appropriate fisheries to combine with sectors?

**Other Business:**

The Chairman indicated that he would be bringing up a multi-day recreational bag limit for haddock at the Council meeting, noting that the Council and Committee have been silent on this issue at earlier meetings. The Chair explained that there are certain criteria in regulations that qualify a trip for a multi-day bag limit.

The meeting was adjourned at 12:12 PM.