



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

## MEETING SUMMARY

### Recreational Advisory Panel

Hilton Garden Inn, Plymouth, MA

June 12, 2017

The Recreational Advisory Panel (RAP) met on June 12, 2017 in Plymouth, MA to discuss: 1) recommendations to the Groundfish Committee on a 2017 Council priority to change the recreational management measures process; 2) feedback for the Groundfish Committee to consider on the Marine Recreational Information Program (MRIP) Strategic Plan; and 3) other business, as necessary.

**MEETING ATTENDANCE:** Frank Blount (Chairman), Joseph Carpino, Tom DePersia, Patrick Paquette, Michael Pierdinock, Michael Plaia, Jonathan Sterritt, Donald Swanson, and William Tower; and Dr. Jamie Cournane and Robin Frede (NEFMC staff). In addition, seven members of the public attended, including Mark Grant and Moira Kelly (NMFS GARFO staff) and Matt Ayer (MRIP Coordinator, MA DMF).

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated June 6, 2017; (2) Meeting agenda; (3a) PDT memo to the Groundfish Committee re recreational management measures (June 7, 2017); (3b) Presentation: PDT Report (2017 Council Groundfish Priorities); (4a) NOAA's MRIP Strategic Plan for public comment, 2017 – 2022, including two attached appendices; (4b) Draft Council letter (inclusive of Council staff input) regarding feedback on the plan (June 7, 2017); (5) RAP meeting summary, January 18, 2017; (6) Correspondence; and (7) Greater Atlantic Region: New England Saltwater Recreational Fisheries Roundtable Summary, Rye, NH, GARFO, April 3, 2017.

The meeting began at approximately 9:06 a.m.

#### **KEY OUTCOMES:**

- The RAP recommends to the Groundfish Committee as an option that due to volatility in MRIP catch data with high PSEs when using MRIP data to craft the recreational management measures, instead of using a single year of data, an average of the three prior years would be used.

- The RAP recommends to the Groundfish Committee to include in Framework Adjustment 57 the options in the Groundfish PDT memo, dated June 9, 2017, for changes to recreational management accountability measures.
- The RAP recommends to the Groundfish Committee that the RAP reports directly to the Council, instead of the Groundfish Committee, because the recreational issues extend beyond quota for groundfish.
- The RAP recommends to the Groundfish Committee that the RAP be changed to become a committee modeled after the Council's Enforcement Committee (i.e., joint recreational advisors and managers) with membership from all states and sectors (private angler and for-hire).
- The RAP urges the Groundfish Committee/Council to support testing (i.e., pilot projects in New England and learning from other regions such as the Mid-Atlantic) recreational management measures such as electronic reporting which increase accountability, timeliness, and accuracy of catch data.
- The RAP expresses support to the Groundfish Committee/Council for a management action addressing groundfish reporting and monitoring issues exposed by the Carlos Seafood criminal case, and recommends to the Groundfish Committee/Council that in the event that Carlos Seafood's permits return to the groundfish fleet, the commercial and recreational fleets be considered in the process of redistribution of the fish.
- The RAP suggests to the Groundfish Committee that Atlantic halibut not be taken away from the public due to the State of Maine's directed Atlantic halibut fishery, as they are a trophy fish which has no recreational allocation.

***PRESENTATION: PDT REPORT (2017 COUNCIL GROUND FISH PRIORITIES), DR. COURNANE***

Staff presented an overview of the PDT report on 2017 Council groundfish priorities, noting the upcoming operational assessments for all groundfish stocks for fall 2017, as well as an overview of the PDT's discussion on Atlantic halibut management, including potential options for changing the Accountability Measures (AMs) (Document #3b). Staff also presented an overview of the 2017 Council priority to change the recreational management measures process, including possibly changing the AMs (Document #3a). The goals of RAP's discussion were to consider making motions recommending to the Groundfish Committee the range of alternatives for changes to the recreational management measures process to include in Framework Adjustment 57.

***AGENDA ITEM #1: FRAMEWORK 57 - RECREATIONAL MANAGEMENT MEASURES PROCESS***

*Discussion:* The RAP began by discussing its role within the Council system and whether this should be changed. Several advisors discussed previous years in which the Groundfish Committee (Committee) made a different recommendation than the RAP, and said they found it frustrating to come up with measures and then be ignored. Staff pointed out that the Council is given both the RAP and Committee recommendations, and in some years the Council has chosen to forward the RAP's recommendation to GARFO, other years they have forwarded the Committee's recommendation, and sometimes they have split measures between the two

recommendations. Several advisors did not feel that the recreational fishery has enough representation on the Committee, and wanted to change the process to have the RAP report directly to the Council. One advisor suggested this and said there should be a recreational representative from each state in the region on the Council. The Chairman pointed out that changes to the Fishery Management Plan (FMP) typically start with the Committee, and while there can be cases where a framework adjustment is initiated with the Council, this is different from the normal process. Staff explained that typically working groups, such as committees, have a different composition than advisory panels, and so a RAP that reports directly to the Council could potentially include a mix of managers and recreational fishery participants. One advisor said that as long as the Council gets the RAP's recommendations, he is not concerned with reporting directly to the Council, and said the Council may be interested in hearing input from both the commercial and recreational sectors for groundfish.

Rick Bellavance, Groundfish Committee member and a participant in the recreational fishery sector, recommended having a Recreational Committee, and said this could benefit other recreational fisheries outside of groundfish that RAP members are interested in discussing. The Chairman clarified that there used to be a NOAA-run Recreational Committee that was made up of a mix of advisors and managers, and pointed out that some of these type of working groups are more functional than others. He also pointed out that many of the decisions coming from the RAP have not been unanimous, and so giving the Committee an opportunity to weigh in may be justified. Another advisor agreed that there is no recreational representation outside of groundfish, and that a Recreational Committee would benefit from this additional interest. One advisor pointed out that the Council only manages recreational groundfish and not other recreational species like striped bass or tuna; another advisor gave winter flounder as an example of a species of recreational importance that NEFMC manages but the RAP does not discuss. There was some discussion on the fact that the NEFMC has recreational liaisons at the MAFMC meetings and does have an influence on these other recreational fisheries, and so these issues should be included as part of the recreational advisory process for NEFMC. Another advisor said there are other issues besides setting groundfish quotas the RAP would like to be involved with, including MRIP and ecosystem-based management.

**Motion #1:** Swanson/Pierdinock

Move that the RAP recommends to the Groundfish Committee that the RAP reports directly to the Council, instead of the Groundfish Committee, because the recreational issues extend beyond quota for groundfish.

*Discussion on the Motion:* One advisor asked if this would change how the Committee interacts with the RAP. Staff said that this would depend on the composition of the RAP, whether this would change or if it would be made up of a mix of advisors and managers, which would be a Council decision. Staff also pointed out a few examples where the RAP has discussed issues beyond quota setting for groundfish, including commenting on the Habitat Amendment and in particular the Stellwagen Bank alternatives. One advisor did not agree with the motion, and said that the process works well now and it is good to discuss recreational measures with the Committee to have different opinions. The Chairman pointed out that the Council often changes

the Committee recommendations. Mark Grant (GARFO) said the RAP should think about how changing the makeup of the RAP and how it interacts with the Council would change the process for setting measures, explaining that currently the RAP forwards recommendations and NMFS decides whether to implement these, versus developing measures through Council action in which these measures would become the regulations and would have to be changed in the Groundfish FMP.

*Motion #1 carried on a show of hands (5/1/2).*

**Motion #2:** Pierdinock/DePersia

Move that the RAP recommends to the Groundfish Committee that the RAP be changed to become a committee modeled after the Council's Enforcement Committee (i.e., joint recreational advisors and managers) with membership from all states and sectors (private angler and for-hire).

*Discussion on the Motion:* The maker of the motion said he likes the make-up of the Enforcement Committee, which has lots of different representation from joint advisors and managers. Mr. Grant asked to clarify that the RAP was interested in having state directors on the proposed Recreational Committee but not commercial representatives from the Council; several advisors agreed there should not be commercial representation because it may not be pertinent. Another advisor recommended that the Committee include a NMFS representative as well as recreational fishery-identified members of the Council and the Groundfish Committee Chair. Mr. Bellavance asked how this process would occur; the Chairman explained that as a policy change it would go through the Executive Committee as it would likely require a change to the Standard Operating Procedures (SOPs), and would be presented to the Council, and may not require changes to the FMP.

*Motion #2 carried on a show of hands (8/0/0).*

*Discussion:* Staff recommended that the RAP consider how to explain the difference in votes between Motion 1 and 2, since they are related. One advisor said that he is not comfortable with having the RAP report directly to the Council, but would like to see a change in makeup.

**Motion #3:** Pierdinock/Tower

Move that the RAP recommends to the Groundfish Committee using multiple years of MRIP data in crafting the recreational management measures and the standard errors around the MRIP estimates should be incorporated in setting the measures (e.g., ASMFC/MAFMC's recent black sea bass recreational measures).

**Motion #3a** to amend Motion #3: Paquette/Swanson

Move that the RAP recommends to the Groundfish Committee as an option that due to volatility in MRIP catch data and inherently high PSEs when using MRIP data to craft the recreational management measures, instead of using a single year of data, an average of the three prior years would be used.

*Discussion on the Motion:* The Chairman cautioned that he has seen this process for setting measures in the Mid-Atlantic, and explained that averaging out over multiple years of data may be more restrictive and industry will have to live with these measures for the next several years. One advisor pointed out that this may not necessarily give the fishery more fish, but this approach is also not a bad one. Another advisor explained that this is best for stability and is better for customers to make decisions on when to take fishing trips. One advisor said this approach provides flexibility to balance the problems with poor MRIP data and high percent standard errors (PSEs). Another advisor recommended setting the quota for three years, but not necessarily the measures; it was clarified that there is a difference between setting measures for three years and using three years of data to set measures each year. Mr. Grant explained that for this year, recreational GOM cod quota remained the same while haddock increased, and that each year the NEFSC's bioeconomic model predicts whether or not the fishery will stay under the ACL with the current measures. Staff pointed out that this motion addresses reactive accountability measures (AMs), but there are also proactive AMs (choosing the measure the model will predict will have the greatest chance of staying under the ACL).

**Motion #3b** to table Motion #3a: Paquette/Pierdinock

*Motion #3b carried on a show of hands (8/0/0).*

**Motion #3** as the main motion: Pierdinock/Tower and friendly amended by Paquette

Move that the RAP recommends to the Groundfish Committee as an option using multiple years of MRIP data in crafting the recreational management measures and the standard errors around the MRIP estimates should be incorporated in setting the measures (e.g., ASMFC/MAFMC's recent black sea bass recreational measures).

*Motion #3 carried on a show of hands (8/0/0).*

**Motion #4** as a main motion: Paquette/Plaia and friendly amended by Tower

Move that the RAP recommend to the Groundfish Committee as an option that due to volatility in MRIP catch data with high PSEs when using MRIP data to craft the recreational management measures, instead of using a single year of data, an average of the three prior years would be used.

*Discussion on the Motion:* Mr. Grant suggested keeping this open so that a range of PSEs, whether at the state or port level, could be analyzed.

*Motion #4 carried on a show of hands (6/2/0).*

**Motion #5:** Plaia/Paquette

Move that the RAP recommends to the Groundfish Committee to include the options in the Groundfish PDT memo, dated June 9, 2017:

*Modify the accountability measures so that they would be implemented with the Council's specifications action for several years and the evaluation of catch performance would occur over the same period.*

- *For example, FW 57 would set recreational management measures for the 2018-2020 fishing years, based on the results of the 2017 operational assessments.*
  - *Under this approach, the proactive and reactive AM process may need revision.*
- A. *Measures could be set at the beginning of the biennial specifications cycle with specifications and remain unchanged during the biennial specifications cycle, or*
- B. *A formulaic process could be established to adjust AMs during the biennial specifications cycle.*

*Motion #5 carried on a show of hands (8/0/0).*

**Motion #6:** Sterritt/Tower

Move that the RAP recommends to the Groundfish Committee that the RAP continue to meet at least twice a year, and more often in special circumstances, no matter the final recreational management measures process.

*Discussion on the Motion:* The RAP discussed the need to see the MRIP data earlier in order to make recommendations on measures, and considered a motion to have the Council write a letter to NMFS to speed up the MRIP data process. The Chairman cautioned that this has come up before, and asked the RAP to consider whether they want faster data or more accurate data. Staff explained that another option would be to use the last full year of data and not preliminary data, which would mean using somewhat older data but it would be complete.

*Motion #6 carried on a show of hands (8/0/0).*

**AGENDA ITEM #2: MRIP STRATEGIC PLAN**

Staff presented the draft letter from NEFMC to NMFS responding to the request for comments on NOAA's Marine Recreational Information Program (MRIP) Strategic Plan. The letter

includes staff comments regarding the following points: for-hire electronic reporting actions should be through the Council process, clarification on whether MRIP data should be used for in-season recreational fisheries management, an emphasis on outreach with anglers, and the question as to why there is no representative from the Northeast Region on the Executive Steering Committee. The RAP was asked to include any additional comments in the letter.

The RAP recommended including the following in the letter: the public needs a clear explanation of how MRIP works including a discussion of the various tradeoffs of the data collection programs within MRIP. Further under of the goal of informing key stakeholders, the transition to Fishing Effort Survey from the Coastal Household Telephone Survey is not clearly identified under that goal. The Plan is silent on how the transition to a different data collection program will impact the recreational effort and catch data, stock assessments and ultimately the recreational fishery. They also recommend the formation of a regional group of recreational advisors to groundtruth or validate MRIP data estimates.

### ***AGENDA ITEM #3: OTHER BUSINESS***

#### **Motion #7: DePersia/Paquette**

Move that the RAP recommends to the Groundfish Committee that for Council priorities for 2018 that limited access groundfish for party/charter be included.

*Discussion on the Motion:* One advisor did not think there is a problem with too many participants in the party/charter fleet. Another advisor said there may not be a problem now because the fish resource is limiting, but if stocks rebuild then they may need to limit the fleet.

#### **Motion #7a to table Motion #7: DePersia/Paquette**

*Motion #7a carried on a show of hands (4/2/1).*

#### **Motion #8: Sterritt/Plaia**

Move that the RAP recommends to the Groundfish Committee to develop recreational management measures for private and for-hire to encourage electronic reporting.

*Discussion on the Motion:* One advisor supported having different AMs or rewards for vessels that use electronic reporting (eVTR), and said the focus should be on timely data. Another advisor questioned whether private anglers should have to report electronically, or whether this should be voluntary. Mr. Bellavance agreed with the advisors that encouraging electronic reporting could help to increase accountability in the for-hire fleet, but may not work for the private angler sector. One advisor thought that increased reporting by eVTR could help with making MRIP data available earlier. Another advisor said there is not enough data yet to analyze this as an option.

**Motion #8a** to table Motion #8

*Motion #8a carried by consensus and without objection.*

**Motion #9:** Paquette/Plaia

Move that the RAP urges the Groundfish Committee/Council to support testing (i.e., pilot projects in New England and learning from other regions such as the Mid-Atlantic) recreational management measures such as electronic reporting which increase accountability, timeliness, and accuracy of catch data.

*Discussion on the Motion:* The RAP discussed monitoring the progress of the MAMFC's electronic reporting action. One advisor asked whether there are opportunities for pilot studies on eVTR use. Mr. Grant explained there are and these would be done through an Exempted Fishing Permit, but clarified that NMFS does not typically initiate these.

*Motion #9 carried on a show of hands (7/0/1).*

*Discussion:* The RAP acknowledged and thanked Council staff for the letter from NEMFC to GARFO arguing for why NMFS should move forth with the Council (and RAP's) recommendation for measures and not the alternate rule proposed by NMFS. The advisors expressed concern that the new bag limits have not been implemented yet and that this will affect them later on if they go over their quota. One advisor asked when they can expect to know which rule (Council or NMFS) will be implemented; Mr. Grant said hopefully by early July and that it was supposed to have been May 1.

**Motion #10:** Paquette/Pierdinock

The RAP expresses support to the Groundfish Committee/Council for a management action addressing groundfish reporting and monitoring issues exposed by the Carlos Seafood criminal case.

*Discussion on the Motion:* The RAP discussed how Carlos Rafael's case revealed loopholes that allowed misreporting and that these should be closed. One advisor said there should be analysis done on what impact Carlos' misreporting had on the groundfish fishery. Staff pointed out the motion from the Groundfish Advisory Panel to review the guidance in Amendment 16 on how sector plans address overages.

*Motion #10 carried on a show of hands (8/0/0).*



**Motion #11: Pierdinock/Paquette**

The RAP recommends to the Groundfish Committee/Council that in the event that Carlos Seafood's permits return to the groundfish fleet, the commercial and recreational fleets be considered in the process of redistribution of the fish.

*Discussion on the Motion:* Several advisors said that Carlos Rafael's misreporting affected the recreational fishery as well, and may be the reason why the recreational fishery has its current problems. The Chairman clarified that if this misreporting case results in changes to the allocation of groundfish, these would have to go through an amendment.

*Motion #11 carried on a show of hands (8/0/0).*

**Motion #12: Sterritt/Paquette**

Atlantic halibut are a trophy fish which has no recreational allocation. The RAP suggests to the Groundfish Committee that these fish not be taken away from the public due to the State of Maine's directed Atlantic halibut fishery.

*Discussion on the Motion:* Staff clarified that currently party/charter boats will not be affected by Atlantic halibut AMs unless they have a Limited Access multispecies permit, but the Council is considering expanding the AMs to other Federally permitted vessels.

*Motion #12 carried on a show of hands (8/0/0).*

The Recreational Advisory Panel meeting adjourned at approximately 1:48 p.m.