



## New England Fishery Management Council

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## MEETING SUMMARY

### Recreational Advisory Panel

DoubleTree by Hilton, Danvers, MA

January 24, 2018

The Recreational Advisory Panel (RAP) met on January 24, 2018 in Danvers, MA to discuss and make recommendations on: 1) recreational measures for fishing year 2018 for Gulf of Maine cod and Gulf of Maine haddock, and possibly Georges Bank cod; 2) the control date for the charter/party fishery; 3) the Council's Groundfish priorities for 2018; and 4) other business, as necessary.

**MEETING ATTENDANCE:** Frank Blount (Chairman), Barry Gibson (Vice Chair), Tom DePersia, Patrick Paquette, Michael Pierdinock, Michael Plaia, Jonathan Sterritt, Donald Swanson, William Tower, and Kevin Twombly; Dr. Jamie Cournane and Robin Frede (NEFMC staff); Scott Steinback (NEFSC); and Terry Stockwell (Groundfish Committee Chair). In addition, 12 members of the public attended, including Mark Grant, Emily Keiley, Moira Kelly, Kyle Moulton, and Spencer Talmage (GARFO), Mike Pentony (GARFO Regional Administrator), and Rick Bellavance, Mark Godfroy, and Melanie Griffin (Groundfish Committee/Council members).

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated January 9, 2018 and meeting agenda; (2) Presentation: Council staff; (3) Recreational measures for fishing year 2018 discussion documents, NEFSC staff; (4a) Recreational Advisory Panel Motions/draft meeting summary, November 14, 2017; (4b) Groundfish Committee Motions/draft meeting summary, November 29, 2017; and (5) Correspondence.

The meeting began at 9:04 a.m.

### KEY OUTCOMES:

- The RAP recommends to the Groundfish Committee that an additional run be provided for consideration with a lower length limit (i.e., 15 in or 16 in) on Gulf of Maine haddock to help achieve the recreational quota.
- The RAP recommends to the Groundfish Committee Status Quo ("Option 0") management measures for Gulf of Maine cod and Gulf of Maine haddock for fishing year 2018.

- The RAP recommends to the Groundfish Committee a revised control date for the charter/party groundfish fishery of May 1, 2018.

***PRESENTATION: FY2018 RECREATIONAL FISHERY PROJECTIONS, DR. COURNANE AND MR. STEINBACK***

Staff provided an overview of the process for setting the recreational measures for Gulf of Maine (GOM) cod and GOM haddock and explained that the next steps will be for the RAP to recommend measures today, the Groundfish Committee to discuss and recommend these at tomorrow's meeting, and the Council to approve next week.

Scott Steinback (NEFSC) gave an overview of the 2016 and 2017 catch and effort data and pointed out overall trends. Mr. Steinback also gave an overview of the bioeconomic model that uses catch and effort data to analyze different options for recreational measures and determine whether they are likely to keep the recreational catches below the sub-ACLs, and walked through each of the options for 2018 measures. He explained that the model has underpredicted cod catch in all years except 2015 and underpredicted haddock in all years except 2017. Mr. Steinback also explained that the 2018 ACL for cod will likely be adjusted for payback due to the overage in 2016. Ms. Keiley further explained that in 2016 GOM cod had overages for both the recreational sub-ACL and total ACL, which includes overages in non-allocated state and other sub-components. She explained that the recreational sector does not need to pay back for their overage but does need to pay back the overage from the state and other components, which will be ~20mt, although this number is not yet final. Ms. Keiley explained that the commercial fishery will also have a pay back for the state and other sub-components overages.

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

The RAP asked a few clarifying questions regarding the catch and effort data. One advisor asked how the average weights for cod and haddock are calculated and whether these use length data from for-hire vessel trip reports (VTRs). Mr. Steinback explained that no, average weights are calculated from total weight removals which come from MRIP estimates, and that VTRs are used for effort data for the for-hire fleet. Mr. Steinback also explained that discard estimates come from ride-alongs in the for-hire fleet. Another advisor asked for clarification in how sampling accounts for the large number of federal for-hire vessels that have stopped directing for cod/haddock. Mr. Steinback explained that MRIP sampling protocol should be capturing these declines in anglers targeting cod/haddock. One advisor asked if the haddock discard mortality estimate is still 50%. Mr. Steinback clarified that the model now uses discard estimates from a new study, which uses different mortality rates by season and haddock size, and explained that this is what is used in the assessment and it is expected that the monitoring will match these as well.

Several advisors expressed concerns over the catch estimates, saying that while the charter and headboat catch and effort numbers seem realistic, the numbers for private angler catches do not. Another advisor wondered if the difference could possibly be because the for-hire fleet is better than private anglers at avoiding cod. Another advisor pointed out that private angler haddock

catch also increased for 2017. Mr. Steinback explained that almost all the cod landings are from private boats fishing out of Massachusetts, and that this is why he ran scenarios where Massachusetts would follow the no cod possession, which does have a significant effect for cod although doesn't change haddock much.

#### Discussion:

The RAP discussed the options for measures recommended by the model, which were limited to only two, as well as status quo measures. Mr. Steinback explained that there are two options: one where Massachusetts follows no possession of cod, and the other in the case that Massachusetts does not close its recreational cod fishery, which would have an additional May haddock closure, and this would provide the same outcome as if Massachusetts cod were to close. Mr. Steinback said that he had explored a lot of options including split measures by mode but couldn't find anything less restrictive than these options. One advisor asked if there had been any consideration of reducing haddock size limit so that people would reach the bag limit sooner and get off the water sooner. Mr. Steinback said that while he could look at this, this measure would be more effective if the haddock bag limit were much lower because as it is most boats are not reaching the limit. Another advisor said they should consider lowering the haddock size limit, since they are nowhere near the haddock sub-ACL and it doesn't seem it will cause much impact and could help to give more haddock. Mr. Steinback said he can look at this but cautioned that lowering the haddock size limit does have the potential to increase the number of trips since anglers can keep more haddock, which could potentially increase cod mortality. One advisor asked how they would tell the state of Massachusetts what to do. Mr. Blount clarified that they wouldn't be telling Massachusetts what to do and can only recommend, and also said that although unlikely perhaps NMFS could find Massachusetts out of compliance. He said the goal for the RAP in recommending measures should be to get as many haddock as possible for the recreational fishery.

### ***AGENDA ITEM #1: RECREATIONAL MANAGEMENT MEASURES FOR FISHING YEAR 2018***

#### **Recreational Measures for Gulf of Maine Cod and Gulf of Maine Haddock**

##### **Motion #1: Sterrit/Gibson**

The Recreational Advisory Panel recommends to the Groundfish Committee that an additional run be provided for consideration with a lower length limit (i.e., 15 in or 16 in) on Gulf of Maine haddock to help achieve the recreational quota.

*Discussion on the Motion:* The maker of the motion explained that he is hoping that this will achieve more of the recreational haddock quota and allow anglers to catch haddock faster so they get off the water sooner and catch less cod. One advisor said that with the new study the haddock discard mortality estimate is higher for small haddock, and so it seems that if anglers can keep smaller haddock this will significantly reduce discard mortalities. The advisor also asked how many cod were caught as a result of the higher haddock bag limit for the first three months of 2017. Staff explained this is difficult to disentangle as the data doesn't allow this to be explored.

Ms. Keiley also pointed out that the significant 2016 overage was much larger than what was caught in the first three months of the fishing year. Another advisor expressed a general frustration with the continuing problem of recreational sub-ACLs since they were incorrectly calculated when initially allocated because discards weren't considered, and said he is frustrated that the haddock sub-ACL will double next year but the recreational fishery won't get even a one fish increase, and also said he is frustrated that the blame is put on the private angler in Massachusetts. Mr. Blount said that this speaks to a general issue that how the recreational fishery is managed doesn't work. Staff clarified that this new model run would not be available until the Council meeting next week.

*Motion #1 **carried** on a show of hands (6/0/3).*

**Motion #2:** Pierdinock/Gibson

The Recreational Advisory Panel recommends to the Groundfish Committee that for whichever option is selected for fishing year 2018 that recreational fishing opportunity be maximized to achieve the Gulf of Maine haddock quota while not exceeding the Gulf of Maine cod quota.

*Discussion on the Motion:* Mr. Godfroy asked if this is saying that the RAP would like to first hear what Massachusetts plans to do and then will pick the option that maximizes haddock. Ms. Griffin (Massachusetts DMF) explained that the decision to leave Massachusetts cod open the last time was a public trust issue and that they did not want to close the recreational fishery while the commercial fishery was still operating, and said there have been disparate measures in the past. One advisor wondered if the RAP should just go with status quo measures since they cannot control what Massachusetts does. Mr. Steinback pointed out that this motion is what the goal of the model runs has always been and so he is not sure this is necessary.

*Public Comment:* Jack Creighton (Cape Cod Salties Sportfishing Club) said the members will fight a May haddock closure and said that he feels the commercial fishery should be punished for the 2016 overage and not the recreational fishery, and said the group may need to be more vocal about these issues with bad data. Mr. Blount asked him as Cape Cod recreational fishing community member what his position is on cod for Massachusetts. Mr. Creighton said he thinks Massachusetts cod should be closed and that he thinks people won't be too upset. He said he is more worried about haddock and encouraged anglers to give up one cod rather than have a May haddock closure. Dave Waldrip (Stellwagen Bank Charter Boat Association) asked whether they could have a reduced bag limit in exchange for a longer season. Mr. Blount said it's obvious that how the fishery is managed currently doesn't work with these big swings in possession limits, and said they could try boat limits as are used in other fisheries. Mr. Steinback explained that the model is not currently set up to try out boat limits and that MRIP doesn't have data on the number of private boats fishing

*Discussion:* One advisor said he thinks the RAP should recommend status quo measures since the May haddock closure is not popular and they are not sure if Massachusetts will close cod. Mr. Blount asked how long it takes for Massachusetts to change regulations and whether this

could be done in time for May 1. Ms. Griffin explained the process does require public comment period and advanced notice of public hearings, and said it's a tight timeline but it does move faster than NMFS. Ms. Kelly said they could have the Council propose two different options based on what Massachusetts does.

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

### **Motion #3: Sterrit/Tower**

The Recreational Advisory Panel recommends to the Groundfish Committee that the Council recommends to the State of Massachusetts to drop the bag limit to zero fish for Gulf of Maine cod ("Option 1") because the alternative would be closed for the month of May to Gulf of Maine haddock fishing ("Option 2") and that would be far worse for the recreational fishery.

*Discussion on the Motion:* One advisor said he is opposed to this and does not believe that all the work has been done to justify shutting down the last little bit of cod fishing in Massachusetts, and thinks many Massachusetts groups will fight this especially given that there will be discards charged against them anyway. He said they need to look at other options for haddock, and also need to address the larger issue of the recreational sub-ACLs not being allocated correctly. Another advisor said he is disappointed to hear that people expect Massachusetts will keep the one cod limit regardless, and said they should be willing to listen to discussions of sound science to decide whether Massachusetts will go with one or zero cod.

*Motion #3 failed on a show of hands (4/4/1).*

### **Motion #4: Tower/DePersia**

The Recreational Advisory Panel recommends to the Groundfish Committee Status Quo ("Option 0") management measures for Gulf of Maine cod and Gulf of Maine haddock for fishing year 2018.

*Discussion on the Motion:* The maker of the motion said he is more concerned with regulation stability because constantly changing regulations is difficult for business. One advisor said he thinks there is a big difference between the RAP asking the Council to tell Massachusetts what to do, and letting NMFS and Massachusetts debate the science, and that the RAP should let them discuss this instead. The advisor said he is very uncomfortable with discussing Massachusetts' state regulations. Mr. Blount pointed out that there is a difference between the two options – option 1 says they would be telling Massachusetts what it should do, and option 0 (status quo) says to Massachusetts here is the effect if you don't go to no possession for cod. He emphasized that the Council can make a recommendation on this since NMFS has the final say, and so the RAP should recommend what it wants. Mr. Godfroy said he can't support option 0 (status quo) because it has a 19% chance of avoiding exceeding the cod sub-ACL, versus a 56% chance with closing Massachusetts cod.

*Motion #1 **carried** on a show of hands (6/3/0).*

**Motion #5:** Sterrit/DePersia

The Recreational Advisory Panel recommends to the Groundfish Committee that the Council asks NMFS to verify the private boat effort and catch data for Gulf of Maine cod and Gulf of Maine haddock with some other data source (e.g., aerial surveys, salt-water registry, and last five years comparison of MRIP to VTRs for party/charter).

*Discussion on the Motion:* The maker of the motion said the rationale for this is that they need a sanity check on the private angler effort data. One advisor suggested comparing VTR data to MRIP data for for-hire catch and effort. Another advisor said the data flaws are with more than just the private angler mode.

*Motion #5 **carried** on a show of hands (8/0/1).*

***PRESENTATION: RECREATIONAL GEORGES BANK COD, DR. Cournane and Mr. Steinback***

Staff explained the proposed measure in Framework 57 to give temporary authority to the Regional Administrator to adjust recreational measures for Georges Bank (GB) in FY 2018 and FY 2019. Staff reminded the RAP that they did not have any recommendations for measures at their last meeting, and that the PDT developed measures based on information from the assessment.

Mr. Steinback gave an overview of GB cod catch and effort data and pointed out overall trends. He pointed out the large increase in catch from 2015 to 2016, noting that it's unknown whether this trend will continue. He noted a decline in effort targeting GB cod in 2017 and said there has been a general decline of all angler trips since 2008. Mr. Steinback pointed out that the shore mode catch disappeared in 2017, the headboat catch increased slightly, and the charter and private mode catch decreased significantly.

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

One advisor said that from the data it looks like in 2015 when GOM cod went to zero possession, that there was an increase in southern New England cod catch corresponding with this. Mr. Blount pointed out that in 2012 and 2013 the data show no landings for GB cod which doesn't make sense, so that when this is corrected for there isn't an increase in landings in the south. One advisor pointed out that MRIP sampling design changed from what it was in 2012 and 2013 and so there was not an even data collection over time. Another advisor pointed out there are no MRIP surveys in January and February when lots of cod fishing happens in southern New England.

## **Recreational Measures for Georges Bank Cod**

### **Discussion:**

Staff asked if the RAP had any other measures to add besides the measures recommended by the Council. One advisor asked how they would know whether a particular tool or measure is working. Mr. Blount said the goal is to hold the recreational catch constant while the total GB cod ACL goes up each year. Staff explained this is done to correct for the overage because there is no GB cod recreational sub-ACL, but noted that 2017 catch was much lower than 2016. One advisor said he is interested in having NMFS explore cod stock structure and mixing, and whether northern cod moves down south. Staff explained there is a cod stock structure workshop to be held this year. Several advisors said that the problem is more with cod discards in the Gulf of Maine and they should focus on fixing this.

*No motions made.*

### ***PRESENTATION: CONTROL DATE FOR CHARTER/PARTY FISHERY, DR. COURNANE***

Staff gave background information on the control date for the charter/party fishery, which is currently March 30, 2006, and explained that the purpose of the date is to help determine established participants. Staff explained there can be additional criteria used to determine eligibility, although they don't currently have this. Staff said the goal for the RAP's discussion is to decide whether to recommend a new control date, and then the Committee will take this up tomorrow and the Council will decide whether to recommend a new control date.

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

One advisor asked whether 2006 is the original or reaffirmed date. Staff clarified it is the reaffirmed date. The advisor also explained the history of this issue is that the commercial groundfish fishermen saw how lucrative charter/party fishing was and got licenses and switched into charter/party, and that it became apparent that there would be a problem if more people continued to enter the fishery, except then the fish resource declined. He said that not everyone agreed with limited entry but recognized there could be a problem later on, but the Council never got around to developing limited access for the charter/party fishery, and that there was also less and less support over time because more new people had entered the fishery. He emphasized that while there is not a lot of support for limited access, a new control date would give reassurance that those who are already in would be protected, and said that while the RAP is not ready to debate limited access they should have a new control rule on the books.

### **Discussion:**

One advisor suggested they could look at having two different control dates, but otherwise thinks the current date should be kept because there are lots of charter/party fishermen who haven't been fishing in recent years but would be interested in getting back in and they shouldn't be shut out. Mr. Grant said he would need to look into whether having two control dates is possible. Mr.

Blount emphasized that the control date doesn't automatically mean that those participants before or after the date are in or out of the fishery because there can be other criteria besides just the date, and explained that control dates just help establish the base to apply the criteria.

One advisor said he doesn't think it's right to limit new entrants as this is just limiting business competition and that he doesn't support this. Another advisor agreed that limited access will just lead to another hurdle for people trying to get into fishery. One advisor said it is not the American way to limit people from accessing a resource. Another advisor said he thinks the new control date would help prevent some of the current problems like having zero cod possession. Mr. Blount said they will need to think about whether the control date is intended to limit competition or control catch. Mr. Godfroy said that the RAP is getting ahead of itself as it was not the intention to force people out of the fishery, and that he just wanted to refresh a stale control date in case it is needed.

Public Comment:

Mr. Waldrup said the RAP needs to think about the criteria for these dates and that he understands there is a need to limit catch.

***AGENDA ITEM #2: CONTROL DATE FOR CHARTER/PARTY FISHERY***

**Motion #6: Plaia/Tower**

To recommend a revised control date for the charter/party groundfish fishery of May 1, 2018.

*Discussion on the Motion:* Staff clarified that the control date is usually the date of publication in the Federal Register. Mr. Blount explained that since the charter/party permit is not a continuous permit and is renewed every year, it doesn't matter when the control rule is published. Ms. Kelly emphasized that how the Council uses the control date (what criteria) is more important than the date. One advisor said they need the control date set before there is a problem so it is ready to be used. Staff said the message is more important than the date, and that this is letting the Council know that the RAP is interested in updating the control date. Mr. Stockwell reminded the RAP that even if scoping for limited access does happen this does not guarantee the Council will take it up.

*Motion #6 **carried** on a show of hands (7/2/0).*

***AGENDA ITEM #3: COUNCIL GROUND FISH PRIORITIES FOR 2018***

Staff provided an overview of the 2018 Council priorities for Groundfish, explaining that they will get into the details in later meetings as they haven't started planning for these yet.



### Questions and Discussion:

One advisor asked if the RAP would take up each of the priorities related to the recreational fishery (i.e. allocation review, MRIP data revisions). Mr. Blount said that he thinks some of these, like MRIP revisions, would need to go to the Council first. Staff asked the RAP when the best time of year would be for scoping with the public on limited access. One advisor said that October, January, February, and March are the best months for the recreational community to attend.

*No motions made.*

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

Mr. Bellavance announced that there is an upcoming workshop in the area on eVTR for captains, related to the MAFMC's recent measure for mandatory eVTR for charter/party vessels.

Mr. Blount asked whether changing the GB haddock size limit is something the Council or NMFS could consider for more access for recreational fishermen. Staff explained this would require Council action. Several advisors discussed the idea of mandatory recreational angler reporting as is done for some states (i.e. North Carolina and Virginia) and whether this could help improve the data. One advisor suggested the idea of required reporting as a part of getting a permit. Another advisor acknowledged that while they cannot move away from MRIP, they could find ways to improve the data rather than find a parallel system. One advisor said Massachusetts should be praised for using recreational fishing funds to increase MRIP sampling coverage by 40% for private angler sampling.

One advisor said the RAP had discussed the idea of becoming a committee but this was voted down at the Council, and wanted to hear the details of that discussion. Mr. Stockwell explained that currently the RAP is still to report to the Committee, and that the Council had concerns about having staff to supply both committees, and ultimately the Council did not recommend the RAP be a stand-alone committee. He emphasized that the Council has taken up a number of recreational issues recently and has made huge strides from the past to include more recreational issues, including currently having two Council members from recreational fishery. Mr. Blount agreed that Council is more amenable now to recreational fishery issues than before.

The Recreational Advisory Panel meeting adjourned at approximately 4:15 p.m.