



New England Fishery Management Council

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

MEETING SUMMARY

Groundfish Committee

Four Points Sheraton, Wakefield, MA
June 1, 2018

The Groundfish Committee (Committee) met on June 1, 2018 in Wakefield, MA to discuss and make recommendations on: 1) progress on Amendment 23/Groundfish Monitoring; 2) items to include in Framework Adjustment 58 - to be initiated at the June Council meeting; and 3) other business, as necessary.

MEETING ATTENDANCE: Terry Stockwell (Chair), Terry Alexander (Vice Chair), Rick Bellavance, Libby Etrie, Mark Godfroy, Sarah Heil (GARFO), Stephanie Hunt (NMFS), Peter Kendall, Meredith Mendelson (proxy for Patrick Keliher), Matt McKenzie, John Pappalardo, Melanie Griffin (proxy for David Pierce) and Mitch MacDonald (NOAA General Counsel); Dr. Jamie Cournane and Robin Frede (NEFMC staff); and Ben Martens (GAP Chair). In addition, approximately 12 members of the public attended, including Chad Demarest (NEFSC) and Dan Linden (GARFO).

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) Meeting memorandum and agenda dated May 23, 2018; (2) Presentations: Council and NMFS staff; (3) Draft alternatives for Amendment 23/Groundfish Monitoring; (4) Groundfish PDT memo to the Groundfish Committee regarding additional analyses for Amendment 23/Groundfish Monitoring; (5) Groundfish PDT memo to the Groundfish Committee regarding initiation of Framework Adjustment 58; (6a) Fishery Data for Stock Assessment Working Group draft meeting summary, April 26, 2018; (6b) Groundfish Advisory Panel meeting summary, May 8, 2018; (6c) Groundfish Committee meeting summary, May 9; (6d) Groundfish Advisory Panel draft meeting motions, May 31, 2018; and (7) Correspondence.

The meeting began at approximately 9:00 a.m.

KEY OUTCOMES:

- The Committee recommends to the Council that the Council delay selection of the final range of alternatives for Amendment 23 until no sooner than the September 2018 Council meeting in order to allow for the alternatives to be aligned with completed Plan Development Team (PDT) analyses and final report with recommendations offered by the Fishery Data for Stock Assessment Working Group.
- The Committee tasks the PDT to analyze groundfish fishing activity west of 72 degrees 30 minutes west longitude to see if it would be appropriate to exempt vessels from at-sea monitoring and dockside monitoring (if implemented).

- The Committee tasks the Plan Development Team develop alternative methodologies to the coefficient of variation (CV) standard for determining the target monitoring coverage level. This could include fixed target coverage levels (e.g., an annual target coverage level 25%, 50%, 75%, and 100% of sector trips).
- The Committee tasks the Plan Development Team to develop an alternative for a dockside monitoring program (at e.g., 50% and 100% coverage levels) for the commercial groundfish fishery with two options: 1) a mandatory option or 2) an option for sectors to use as part of their sector monitoring plans.
- The Committee recommends to the Council to initiate Framework Adjustment 58, to include:
 - To set specifications for fishing year 2019 for US/Canada stocks (Eastern Georges Bank (GB) cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder),
 - To revise/establish rebuilding plans for several stocks (ocean pout, GB winter flounder, witch flounder, Gulf of Maine/GB windowpane flounder, and Southern New England/Mid-Atlantic yellowtail flounder),
 - To address Status Determination Criteria issue when analytic assessments fail,
 - To provide additional guidance on sector overages,

OTHER BUSINESS:

Ms. Heil introduced Ms. Stephanie Hunt, who will be filling in on groundfish issues over the next several months while Ms. Heil is Acting Assistant Regional Administrator.

The Chair said there would be a discussion on attendance issues with the Groundfish Advisory Panel (GAP).

AGENDA ITEM #1: AMENDMENT 23

PRESENTATION: PDT REPORT ON A23, DR. COURNANE AND MS. FREDE

Staff provided an overview of the PDT's report on A23, including an update on the timeline for A23 development, an overview of the draft alternatives, and a summary of a PDT memo from May 29, 2018 which summarized PDT analyses related to the development of A23. Staff also provided an update on the work of the Fishery Data for Stock Assessment Working Group, as this group is related to A23 and monitoring. The goals of the Committee's discussion were to provide guidance on development of the draft alternatives and possibly make recommendations to the Council on the draft alternatives.

Questions and Comments on the Presentation:

No questions or comments.

PRESENTATION: PDT REPORT ON A23 ANALYSES – DISCARDS OF LEGAL-SIZED COD, MS. FREDE

Staff provided an overview of the PDT's analysis on discards of legal-sized cod, explaining that this analysis was conducted in response to reports at the April Council meeting of vessels discarding legal-sized cod, and that the PDT wanted to explore whether evidence of this can be seen in observer data. The PDT had examined length frequency records in the observer data for discarded Gulf of Maine (GOM) cod

on bottom otter trawl trips. Staff explained that from this analysis the PDT may be able to determine whether this is a problem occurring on all trips or is isolated to certain areas, and emphasized the point that if this is occurring with observers on board, the question remains as to what happens on unobserved trips. Staff emphasized that this analysis is preliminary and that the PDT may expand this analysis in the future.

Questions and Comments on the Presentation:

One Committee member asked what implications this has for the cod stock assessment. Staff explained that this information would have been included in the last GOM cod assessment for the length frequency distribution for discarded fish for terminal year (2016), and that it would have a discard mortality rate applied, but are uncertain as to what impacts this might have on the next assessment. Staff pointed out the caveat of low sample size in the analysis, and also noted that this is a sector issue as discarding of legal-sized fish is something sectors can be penalized for according to Amendment 16 provisions. Staff clarified that the discarded fish in this analysis are from length frequency records only, and so this is not the total number of discarded cod on observed trips. There was also a correction noted that the minimum fish size for GOM cod changed mid-2013 and not in 2014.

One Committee member said it would be helpful to be able to see the analysis split out by common pool and sector trips, since common pool vessels would be expected to have some discards of legal-sized cod due to trip limits. Staff said that based on this feedback the PDT will provide follow-up analysis by picking a representative year and then 2017 and including additional data – common pool versus sector trips, total trips in the GOM, total samples/trips/tows (in addition to length frequency samples), and any additional observer notes.

Public Comment:

Vito Giacalone (Northeast Seafood Coalition) noted that in the most recent year (2017) there are only a handful of discarded fish that are over the size limit, and asked what the concern is if this is a small issue for the fishery overall. Mr. Martens (Maine Coast Fishermen's Association) asked how sectors hear about these problems if they are occurring and how to help with outreach, and suggested that feedback to vessels is needed so this activity can be stopped. Jason Berthiaume (NOAA Office of Law Enforcement) responded that OLE does hear about discard issues and will investigate these, but they do not currently have a feedback loop between sector managers and vessels. He said there is another layer of compliance staff before OLE, as well as GARFO staff, who alert OLE if there are any issues. Ms. Heil explained that sector managers can request trip level information. Ms. Etrie said that SIMM (Sector Information Management Module – the software interface between the sector manager and NMFS) doesn't include disposition codes and noted there could be tools to help get more information from vessels to sector managers.

PRESENTATION: PDT REPORT ON A23 ANALYSES – CV ANALYSIS, DR. LINDEN

Dr. Linden (GARFO and Groundfish PDT) presented analysis the PDT did to examine the coefficient of variance (CV) method that is used to determine monitoring coverage levels for the groundfish sector program. He explained that this analysis shows observed CV compared to the predicted CV which can be used to examine for any evidence of bias.

Questions and Comments on the Presentation:

One Committee member asked if the fishery has on average been meeting or exceeding the CV30 for all stocks. Dr. Linden explained that CV30 has not been met at the stratum level (by sector and gear), but has been met at the stock level, which is the level of requirement for monitoring coverage. He clarified that this analysis shows observed CV compared to what was predicted, and that this could be interpreted as people either changing behavior to lower the discard rate for certain stocks, or could be changes in fishing behavior. He also clarified that this analysis shows CV by stratum and not the CV analysis to determine the monitoring coverage level. Another Committee member asked what happens to the ability to achieve CV30 in years when a particular gear type leaves a sector. Dr. Linden explained that the analysis only includes strata that remained unchanged over the time period. One Committee member asked whether the PDT has looked at this with other fisheries, to see where their CVs fall. Dr. Linden explained that this analysis is looking operationally throughout the year versus determining the coverage level for each year as is done for other fisheries. He also pointed out that ASM is for sectors only, and that if there were no sectors then NEFOP would be sufficient for assessment needs. Another Committee member commented that a recommendation from the Standardized Bycatch Reporting Methodology (SBRM) observer sea-day determination is not to use ASM data, and asked why this is as it's important to understand regarding discussions considering using ASM data for assessments. Dr. Linden explained that in assessing SBRM they didn't want to include other monitoring that might influence, since the purpose is to see if SBRM is meeting its goals.

One Committee member asked what happens when bias is interjected into this analysis and what that does to the value of this method. He pointed out that the CV30 analysis has the assumption of no bias each year, and that there have also been reduced monitoring coverage levels over time. Dr. Linden confirmed that this analysis assumes no bias but that the system may be subject to this, which may call into question its validity for determining monitoring coverage and estimates. Another Committee member asked whether the PDT has looked at increasing the CV to CV20, considering past discussion on increasing coverage but with diminishing returns. Dr. Linden said the PDT hasn't worked on cost analysis yet, but that the PDT could demonstrate what a change in CV would do to the predicted CV and determine what sub-trips would be needed to meet the CV standard and estimate the costs of this. He acknowledged the tradeoff between increasing coverage for better estimates versus the cost of increased monitoring. One Committee member said it's important to be careful in saying that increasing coverage will increase costs to the fishery versus reducing bias and that there are different ways to characterize cost.

Public Comment:

Gib Brogan (Oceania) commented on the slide discussing the connection between accuracy and precision, and said that the SBRM discussion had these separate, and asked what is different here. Dr. Linden explained this analysis assumes no bias, and that if there is bias then a lot of this will be irrelevant because precision doesn't matter if it is not estimating the correct value. Mr. Brogan also asked whether the analysis is showing that only 25% of strata are meeting CV30, and at what level. Dr. Linden explained that this is at the sector and gear level, and said it is important to note that stock level target of CV30 is being met for most stocks, but that there is the potential that for any particular sector the estimates of catch may be off. One Committee member commented that a possible explanation meeting for only 25% of strata meeting the CV, whether this could be due to fewer boats fishing in certain areas.

PRESENTATION: PDT REPORT ON A23 ANALYSES – OBSERVER EFFECT, MR. DEMAREST

Mr. Demarest (NEFSC and Groundfish PDT) presented an overview of analysis he has been working on as a part of the PDT to examine observer effect (also known as observer bias).

Questions and Comments on the Presentation:

One Committee member said he thinks it's incorrect to compare pre-sector to post-sectors because fishermen had to change how they fished with the change in regulations from trip limits to a quota-based system. Mr. Demarest clarified that the analysis is not a measure of change in total pounds caught, but rather it is a measure of variation of central tendencies, and said while he agrees that there was a change in behavior with the sector system, he does not think this explains the change in behavior between observed versus unobserved trips. Another Committee member asked whether redfish trips were also excluded, in addition to extra-large mesh gillnet trips. Mr. Demarest clarified that redfish trips were kept in the analysis. One Committee member said he would have expected more bias in catch composition. Mr. Demarest explained that he would have expected that for market categories, but that he hadn't looked at species composition. The Committee member also commented that for gillnet trips, he could imagine the captain could choose to haul a dogfish net versus cod net when they take an observer, but would still land some marketable cod, and wondered whether that is captured in the analysis.

One Committee member said that in thinking about different reasons for change in behavior, related to trying to change discard rate, there are also issues with selection rate where vessels want an observer to go to a certain area but can't get one and don't go there because they don't want to risk having transitional rates. Mr. Demarest said it's important to understand the reasons for observer bias, and that he found it surprising to see that manipulating the discard rate doesn't seem to be a major reason. He also said that a joint Advisory Panel/PDT meeting would be helpful to get industry input.

Public Comment:

Maggie Raymond (Associated Fisheries of Maine) asked what this analysis means for the determination of what is happening with discards for the fishery. Mr. Demarest explained that we know that what observers are seeing for catch composition is different than on unobserved trips, so that there is bias in the discard estimates. Ms. Raymond also pointed out that with the analysis of legal-sized GOM cod discards, that there are legal-sized discards occurring with an observer onboard, so can this be described as bias if they are not hiding it. She said that while she understands this is one stock and a small sample size and that it shouldn't be extrapolated, she also wondered if we shouldn't extrapolate observer bias either. Mr. Giacalone asked if the area selection for trips in triplets are in the same area, depth, etc. Mr. Demarest said he is working on a way to include depth, but that it's difficult since there is more than one depth per trip. Mr. Martens asked whether the analysis is looking at shifts in direction or whether it can look at differences, to see if highs and lows cancel out.

Motion #1: Etrie/Alexander

That the Groundfish Committee recommends to the Council that the Council delay selection of the final range of alternatives for Amendment 23 until no sooner than the September 2018 Council meeting in order to allow for the alternatives to be aligned with completed Plan Development Team analyses and final report with recommendations offered by the Fishery Data for Stock Assessment Working Group.

Public Comment: Mr. Giacalone said he supports this motion because A23 is too critical to push forward, and they need more analysis to figure out how to measure accuracy so as to be able to determine what level of accuracy in the data is needed. Mr. Martens said he doesn't think this is a bad option, but also thinks the Committee will need to set a timeline so analysis doesn't go on forever.

Discussion on the Motion: One Committee member agreed that the analysis for developing the range of alternatives doesn't need to continue forever, as the goal is to avoid the same situation as with A18, but acknowledged that the PDT currently doesn't have program revisions alternatives developed yet. She said the Committee should make it the goal of the next Committee meeting to develop program revision alternatives. Another Committee member said it seems highly unlikely the Committee will be able to do anything before September, and also noted that the Fishery Data for Stock Assessment Working Group with its task of determining the potential utility of CPUE seems like a longer timeline. He also asked that in considering alternatives whether the Committee is thinking of a monitoring program designed for all sectors, or to set standards that sectors will have to develop tools to meet. One Committee member thinks it should be set up so sectors can choose tools for their monitoring program, and also asked whether the PDT is working on some of these alternatives, such as picking up from some of the measures in FW 55. Staff responded that the PDT memo has points on the CV method, but that the PDT could use direction from the Committee on tasking, as the PDT can do more analysis but eventually will need to put this into action.

*Motion #1 **carried** on a show of hands (10/0/0).*

Motion #2: Etrie/Alexander

To task the Plan Development Team to analyze groundfish fishing activity west of 72 degrees 30 minutes west longitude to see if it would be appropriate to exempt vessels from at-sea monitoring and dockside monitoring (if implemented).

Discussion on the Motion: The maker of the motion provided rationale that from earlier work on dockside monitoring (DSM) the Committee had look at exempting certain trips (mostly fluke trips), which have limited groundfish landings, from ASM and DSM in the past, and explained that these trips use groundfish days to land skates beyond the incidental limit, but there have also been concerns about ASM costs on fluke trips, and so the PDT should see whether there are low groundfish discards on these trips as well. In response to a question, staff explained that A23 applies to both sectors and common pool, and explained that the PDT will need tasking from the Committee on whether they want a program to be for one or both components of the fishery, and clarified that common pool fishermen were at scoping hearings, as well as those from outside the groundfish fishery.

*Motion #2 **carried** on a show of hands (9/0/1).*

Motion #3: Etrie/Alexander

To include in Amendment 23 an alternative that would remove at-sea monitoring and dockside monitoring (if implemented) from the list of reporting requirements that sectors cannot be exempted from.

Discussion on the Motion: The maker of the motion explained this is necessary to allow the previous motion to happen. One Committee member asked how allowing exemption requests fits with the purpose and need of A23. The maker of the motion said it can allow sectors in certain situations (remote ports for DSM, etc.) to be exempt from a program so they can create an alternative monitoring program. Several Committee members agreed with this point but thought it should be brought up later when it comes up in development. Additionally, several Committee members said they were uncomfortable with this, as they think this is too broad and goes beyond the point of sector flexibility. Ms. Heil agreed this is too much of

blanket statement, and suggested an idea for DSM is to have language in the alternatives on what to do with remote ports to provide guidance to agency.

Motion #3 *failed* (2/8/0).

Motion #4: Pappalardo/Kendall

Move to have the Plan Development Team develop alternative methodologies to the coefficient of variation (CV) standard for determining the target monitoring coverage level. This could include fixed target coverage levels (e.g., an annual target coverage level 25%, 50%, 75%, and 100% of sector trips).

Discussion on the Motion: The maker of the motion provided rationale that it seems the PDT is saying that there currently isn't a method for determining monitoring coverage levels that meets the goals and objectives of A23, and that the PDT needs tasking from the Committee to work on developing methods to meet those goals. Another Committee member asked if this would focus on precision and accuracy and not take costs into account. The maker of the motion said he expects costs would be a part of discussion, particularly at hearings for the alternatives, but doesn't think cost should prevent going forward with this alternative. The Committee member asked if there is a metric for accuracy, and the maker of the motion said not at this point, but perhaps something can come from PDT members' work. He said that he would ideally like to see 100% fully covered monitoring for three years to get a baseline. Another Committee member asked whether this motion would set a coverage level target and then the Committee would craft alternatives so sectors can design a monitoring program to meet their needs. It was decided this discussion should wait until there is a coverage level determined. One Committee member asked if there is a way to mix CV with some other metric. Dr. Linden pointed out while increasing coverage will decrease the CV (i.e. 100% coverage = 0CV), even at 50% coverage they could still have bias if unobserved trips are different.

Motion #4 *carried on a show of hands* (10/0/0).

Motion #5: Etrie/Alexander

To task the Plan Development Team to develop a metric to evaluate accuracy that monitoring coverage alternatives can be compared against.

Discussion on the Motion: The maker of the motion explained she is not sure if such a metric will be developed later in the PDT analysis, and is unclear on what the Committee thinks is the problem with monitoring – whether this is with discard estimates, overall catch, or bias. Staff explained that the PDT has been working on evaluating the current system and understanding any problems with it, and said that what is difficult to understand and determine is what the magnitude of these problems is and how this scales up to the fishery. Staff explained that the PDT is creating a baseline understanding of the current system to be able to tackle the purpose and need of A23, but is not sure if the PDT will ever be able to develop a single metric that determines the magnitude of the problem in the current monitoring system. Another Committee member suggested the idea of creating a risk framework to consider what the possible concerns are with the system. The maker of the motion said she thinks the Committee needs to have a discussion on the magnitude of the problem because she doesn't think the Committee agrees on this, and thinks that having a metric is important to determining how to address the goals and objectives.

The Chair said he thinks this motion should be tabled until there is consensus from the Committee on what the problem is and the direction of A23.

Motion #5 postponed, without objection, to the next Groundfish Committee meeting on A23.

Motion #6: Alexander/Griffin

To task the Plan Development Team to develop an alternative for a dockside monitoring program (at e.g., 50% and 100% coverage levels) for the commercial groundfish fishery with two options:
1) a mandatory option or 2) an option for sectors to use as part of their sector monitoring plans.

Rationale: The goal is to establish a dockside monitoring program that allows for accurate landings groundfish fishery-wide.

Public Comment: Mr. Martens said he likes the flexibility of this but wonders when DSM becomes more of an enforcement issue that is beyond monitoring, and thinks the PDT should discuss this more. Mr. Giacalone said he supports this in the spirit of having a comprehensive monitoring plan and thinks that enforcement is a part of monitoring.

Discussion on the Motion: One Committee member said he likes this as an option, as he found the previous DSM program to be a waste of money for dayboats, especially in NH where there is plenty of enforcement. The maker of the motion pointed out that enforcement doesn't look at sale slips to match species, and thinks it's important to have a fair market for all and accurate landings fishery-wide.

Motion #6 carried on a show of hands (9/0/1).

Motion #7: Etrie/Alexander

Move to have the Plan Development Team develop alternatives to the current coefficient of variation (CV) standard (i.e., CV30) to determine the target coverage levels for CV10, CV20, CV40, and CV50.

Public Comment: Mr. Martens said that currently CV coverage is set with excluding certain stocks if they meet certain requirements, and asked whether this should be evaluated too.

Discussion on the Motion: One Committee asked whether the Committee has discussed this before, as it seems like PDT time would be best spent on evaluating better alternatives to the CV method. Staff explained that there is an initial likely range of alternatives from last year that had included this. Staff also pointed out that CV40 and CV50 would not meet the goals and objectives of improving monitoring. Several Committee members suggested the idea of combining CV with another metric, as the CV on its own does not seem to be effective for determining monitoring coverage levels. Staff said the Committee will also have to decide whether they want a variable coverage rate or a fixed coverage rate.

Motion #7 failed (3/4/2).

Discussion:

Several other items related to A23 were discussed. In response to a question about additional analyses on observer bias, Mr. Demarest explained he is also working on: species level comparisons between observed and unobserved trips, spatial bias of observed trips, and analysis to examine the level of bias in the data on observed trips, which will be presented at later Committee meetings. There was discussion about how to design the alternatives to be either mandatory monitoring programs for all or as options for sectors to choose to fulfill monitoring requirements. Staff said it would be helpful to gather feedback from sectors on what is important in creating their own monitoring programs. Ms. Heil clarified that there should still be a single overarching coverage level and then sectors will have tools to achieve this, as opposed to each sector having different coverage levels. The Chair said the Committee needs to think about having a shared statement on A23 at the next Council meeting.

AGENDA ITEM #2: FRAMEWORK ADJUSTMENT 58

PRESENTATION: FW 58 INITIATION, DR. COURNANE

Staff provided a brief overview of Framework Adjustment 58 (FW 58), which will be initiated at the June Council meeting. Staff explained that the draft scope of FW 58 will include: to set specifications for FY2019 for US/Canada stocks (Eastern Georges Bank (GB) cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder); to revise/establish rebuilding plans for several stocks (ocean pout, GB winter flounder, witch flounder, Gulf of Maine/GB windowpane flounder, and Southern New England/Mid-Atlantic yellowtail flounder); to address Status Determination Criteria issue when analytic assessments fail; to provide additional guidance on sector overages; and to revise other management measures, if necessary.

Motion #8: Pappalardo/Mendelson

To recommend to the Council to initiate Framework Adjustment 58, to include:

- To set specifications for fishing year 2019 for US/Canada stocks (Eastern Georges Bank (GB) cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder),
- To revise/establish rebuilding plans for several stocks (ocean pout, GB winter flounder, witch flounder, Gulf of Maine/GB windowpane flounder, and Southern New England/Mid-Atlantic yellowtail flounder),
- To address Status Determination Criteria issue when analytic assessments fail,
- To provide additional guidance on sector overages, and
- To revise other management measures, if necessary.

Motion #8a to amend Motion #8: McKenzie/Griffin

To strike:

- To revise other management measures, if necessary

Discussion on the Motion: Ms. Heil said that NMFS has been discussing the item “addressing Status Determination Criteria for stocks when analytical assessments fail,” and explained that this item might be removed from FW 58 and instead be addressed through a separate process.

*Motion #8a to amend **carried** (4/3/2).*

*Motion #8a as modified **carried** (8/0/1).*

Fishing Year 2019 Recreational Management Measures

Discussion:

One Committee member said he would like to review what was brought up at the last meeting about GB cod and NMFS evaluating catch under Regional Administrator authority. Ms. Heil explained that this can be a part of the consultation process between the Council and NMFS on any proposed GB cod measures where they could review different methodologies for evaluating catch. There was a question of clarification on whether the recreational fishery is evaluated against a three-year average or against the target catch that was determined in FW 57. Ms. Heil explained that NMFS evaluated catch against the target catch, but that the three-year average was used to determine the payback to the commercial fishery 2016 recreational catch was so high.

Consensus Statement

In the consultation process for Georges Bank cod recreational measures, the Committee requests that the Council requests that the Greater Atlantic Regional Fisheries Office review different methodologies for determining the recreational management measures for fishing year 2019.

AGENDA ITEM #3: OTHER BUSINESS

The Chair brought up the issue of GAP attendance and said the Council will decide on whether membership should be changed, recognizing the difficulty for the GAP to discuss broad topics when attendance is low.

The Groundfish Committee meeting adjourned at approximately 3:45 p.m.