



New England Fishery Management Council

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Groundfish Advisory Panel

Webinar

November 22, 2021

The Groundfish Advisory Panel (GAP) met on November 22, 2021, via webinar to discuss and make recommendations on: 1) Framework Adjustment 63/Specifications and Management Measures; 2) possible 2022 Council priorities for groundfish; and 3) other business, as necessary.

MEETING ATTENDANCE: Ben Martens (Chair), Jackie Odell (Vice Chair), Bonnie Brady, David Goethel, Maggie Raymond, and Hank Soule; Dr. Jamie Cournane and Robin Frede (New England Fishery Management Council (NEFMC) staff). In addition, approximately 22 members of the public attended, including Dan Caless, Mark Grant, Kyle Molton, Liz Sullivan, Spencer Talmage, Samantha Tolken (Greater Atlantic Regional Fisheries Office (GARFO)); Rick Bellavance (Groundfish Committee Chair); Togue Brawn, Libby Etrie, Melanie Griffin, Michael Pierdinock, Dan Salerno, Megan Ware (Groundfish Committee/Council members); Eric Reid (Council Chair); Frank Blount (Recreational Advisory Panel (RAP) Chair); Chris Kellogg, and Janice Plante (NEFMC staff).

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated November 16, 2021; (2) Agenda; (3a) Framework Adjustment 63 (FW63)/Specifications and Management Measures – Draft alternatives version 1; (3b) FW63 - Draft affected environment version 1; (3c) FW63 - Draft impacts analysis version 1; (3d) 2021 Georges Bank cod and Gulf of Maine cod stock assessment reports and peer review, NEFSC, pre-publication draft; (3e) Memo from Groundfish PDT to Scientific and Statistical Committee re Candidate OFLs and ABCs for Georges Bank cod and Gulf of Maine cod for FY2022-FY2024; (3f) Memo from Groundfish PDT to Scientific and Statistical Committee re OFLs and ABCs for Georges Bank haddock and Gulf of Maine haddock for FY2022, revised version; (3g) Memo from Groundfish PDT to Scientific and Statistical Committee re Candidate OFL and ABC for white hake for FY2022; (3h) Memo from Groundfish PDT to Committee re Framework Adjustment 63 –Georges Bank cod recreational fishery management version 1; (3i) Presentation: Council staff; (4) Memo from Executive Director Nies to Executive Committee re 2022 Council Priorities - Executive Director Recommendations, Nov. 12, 2021; (5a) Groundfish Advisory Panel meeting summary, Sep. 22, 2021; (5b) Groundfish Committee meeting summary, Sep. 23, 2021; and (6) Correspondence.

The meeting began at approximately 9:34 a.m.

KEY OUTCOMES:

- Under 4.1.4 *Alternative 4 - Changes to the Default Specifications Process* for Framework Adjustment 63, the GAP recommends to the Groundfish Committee (Committee) 4.1.4.3 *Option*

3: 5 months duration, 75% of the previous year's specifications, no holdback provision, and 2-year US/CA TACs as the preferred alternative.

- The GAP requests the Committee to recommend that the Council remand the Georges Bank cod Acceptable Biological Catch (ABC) back to the Scientific and Statistical Committee (SSC) for reconsideration of the position articulated by the minority at the SSC meeting.
- The GAP recommends to the Committee Option 2 (Groundfish Plan Development Team (PDT) memo) for a revised Georges Bank cod recreational catch target of 43 mt.
- The GAP recommends to the Committee that the Regional Administrator be given the authority to modify the Georges Bank cod recreational measures to prevent the Georges Bank cod recreational catch target from being exceeded for fishing years 2022 to 2024.
- The GAP recommends to the Committee that a Groundfish PDT analysis with option be developed for the recreational catch target for Georges Bank cod under Framework 63 that is based off “the portion of the average catch from each fishery component from 2001 to 2006”. With an additional reduction applying the percent change from the FY2021 US ABC and proposed FY2022 US ABC.
- The GAP recommends to the Committee that consideration of setting the Georges Bank yellowtail flounder annual catch limit (ACL) to zero not be included as a Council priority under Groundfish in 2022.
- The GAP recommends the Committee put forward the following list of priorities for 2022, in order of priority:
 - Set ABCs/ACLs for roughly half of groundfish stocks for FY2023-2025 and US/CA stocks for FY 2023, revise rebuilding plans for GOM cod and SNE/MA winter flounder; adopt additional measures to promote stock rebuilding
 - Allocate GB Cod to the Recreational fishery and establish Accountability Measures
 - Develop metrics to be used in the review process that will evaluate the monitoring system, as per A23 (Multi-year Priority)
 - In consultation with SSC, Revise ABC Control Rules for Northeast Multispecies Stocks
 - Staff: Research Track Assessments: Haddock, American Plaice, Atlantic Cod
 - Staff: Groundfish management track assessments
 - Staff: TRAC/TMGC

OTHER BUSINESS:

Staff noted the Fishing Year (FY) 2020 year-end catch report, included under Correspondence, was finalized and shared with the Council last week. The Chair agreed this item should be discussed first as it is relevant to other meeting topics.

Ms. Sullivan provided a summary of the catch report and accompanying letter and answered questions about the agency's letter. She acknowledged the later than normal timing due to several issues that required additional analysis and verification. She explained that one annual catch limit (ACL) was exceeded which was for northern windowpane flounder, for which the acceptable biological catch (ABC) was not exceeded and so the accountability measure (AM) does not apply to the overall fishery; however, the scallop fishery did exceed its sub-ACL by more than 50% so it will have the northern windowpane flounder AM in place for FY2022. Ms. Sullivan explained that the letter also provides information on recreational catch for non-allocated stocks for the Council to keep in mind, noting that recreational catches for all the stocks were more than five percent of the catch, though Gulf of Maine (GOM) winter flounder recreational catch has been declining, pollock recreational catch fluctuates but overall catch is low relative to the total ACL, and Georges Bank (GB) cod having significant recreational catch.

Questions:

One advisor asked if the northern windowpane flounder AM area is the same as the yellowtail flounder AM area and if using the AM gear has an impact on scallop catch. Staff answered that it is the same AM and that the Scallop PDT's memo to the SSC at their August meeting includes information about the potential impacts, noting that the gear restriction for the AM is expected to reduce yellowtail flounder catch.

The advisor also asked if establishing a sub-ACL for GB cod could be done in this framework. Staff answered that it can but requires a change in priorities, which would delay the action. Ms. Sullivan clarified that the Regional Administrator (RA) is not recommending this be done now but is just reminding the Council of the Amendment 16 pathway for creating a recreational sub-ACL. She also acknowledged the ongoing cod stock structure work which will have an impact. Another advisor said that recreational catches for GB cod are going up because they are unconstrained while the commercial fishery is constrained, and asked if the same time period used in Amendment 16 of 2001-2006 should be used for a recreational allocation for GB cod. Staff clarified that the Council is not discussing an allocation in FW63 for any stocks, and that they are discussing the recreational catch target for GB cod. Staff also clarified that the 2001-2006 time period had been identified for GOM cod and GOM haddock and not for other stocks, and that Amendment 16 is clear that a time period needs to be identified for other stocks to have a recreational allocation.

An advisor noted in the year-end catch report that the state waters catch for GB cod seems high and asked if that is all recreational catch or if it also includes some state commercial catch. Ms. Sullivan answered that Table 6 in the catch report shows the breakdown of the state waters sub-components catch, and that for GB cod this is a split between commercial and recreational catch with the majority being recreational catch. She also noted that Table 7 shows the breakdown of other waters sub-components catch, in which the recreational catch contributes the majority. She also explained that the recreational catch is based on Marine Recreational Intercept Program (MRIP) data and that since FY2020 they have been using the newer MRIP data. The advisor asked whether there would be a breakdown provided for GB cod catch between the private angler and party/charter fishery components for the upcoming Groundfish Committee meeting. Staff answered that they can bring these questions to Mr. Scott Steinback, who has been looking into GB cod recreational catches. Another advisor said for state waters catches it would help to see a breakdown by state, understanding that the Council can't control state waters catch and can only send a letter requesting states lower their catches, but that is helpful to know where the problems are occurring. Staff explained that the intercept data is for landed catch and so it is not necessarily reflecting where fishing occurred but will bring that to Mr. Steinback to talk it through.

One advisor said she also would like to discuss concerns about recent stock assessment results that industry has found to not match what they see on the water, and in particular discuss a recommendation that the GAP be considered in the stock assessment process along with direct meetings with industry, in light of the research track assessment for cod.

AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 63/SPECIFICATIONS AND MANAGEMENT MEASURES

PRESENTATION: FRAMEWORK ADJUSTMENT 63 UPDATE, DR. COURNANE

Staff provided an overview of progress on Framework Adjustment 63 (FW63) development, including an overview of the draft alternatives, brief overview of updates to the draft Affected Environment, and a summary of the PDT's memo on the GB cod recreational catch target. Staff explained that version 1 of

the memo focuses on the catch target, and there will be a version 2 which will focus on possible recreational measures to consider. The goals of the GAP's discussion were to receive updates on development of FW63 measures, and possibly make recommendations.

Questions and Comments on the Presentation:

One advisor asked if the Scientific and Statistical Committee (SSC) recommended no change in the FY2022 overfishing limit (OFL) and ABC for GOM haddock why there is a 31% decline from the previous year. Staff explained that there already had been a decline built in from the previous OFL/ABC recommendations, noting the details are in the PDT memo to the SSC on haddock.

One advisor asked if the PDT has looked at the recreational measures that would be needed to achieve the reduction in the GB cod catch target, given that it is already known most people don't catch close to the ten fish limit. Staff answered that the PDT had some initial discussion on this and recognized that a substantial reduction will be required for the recreational fishery to potentially a one fish limit or less, even under No Action, and that they primarily discussed bag limits and seasons. Staff said they are meeting tomorrow with Social Sciences Branch (SSB) staff to discuss possible options for measures. The advisor asked if the GAP is expected to make recommendations on the catch target only or also on recreational measures, and staff answered that since there isn't specific analysis on the measures today, they would expect only recommendations on the catch target but that they also could have more general recommendations for measures. Another advisor noted that when the ten fish limit was set for the for-hire fishery she recalled discussions at the time that such a limit would restrict the party/charter fishery from having extreme catch events but not would not be constraining, and asked how this number is related to in terms of catch by the party/charter fishery. The advisor also asked if the state regulations also have a ten fish limit. Staff explained that at the time of the bag limit change for the party/charter fishery some states already had that limit in place, and that their understanding is that all states have this limit but will double check on the minimum fish size regulations. Staff also noted that the biggest change in catch was seen with the change in minimum fish size from 23 inches to 21 inches, which did change the party/charter catches, but that it is tricky because of the change to new MRIP numbers in 2020 in which the updated catch number reflects a better understanding of catches.

An advisor said that in FW59 the GAP had recommended the RA continue to have authority to adjust the recreational measures and asked why the Council did not recommend this. Staff explained that at the final action meeting the Council wanted to retain the recreational catch target while not extending the RA authority, and that they also discussed how long this could be considered temporary and at what point the Council should consider a recreational sub-ACL for GB cod. Staff added that the Council looked at the measures and thought they were fine and there was no need to further adjust these, meaning any changes would have to go through a Council proposal. The advisor also said she is concerned about the disconnect between industry's understanding of the stock and the assessment outcome. She said she thinks it's good that Option 2 in the PDT memo considers the reduction in the ABC, and is concerned about Option 3 which accounts for the percentage of recreational catches relative to total catches as this is not something that has been done before. Staff explained that typically the PDT would only look at the three-year catch average, which for this year would be 163mt and would be a non-starter as this is already over the current catch target, and that both Option 2 and Option 3 result in a substantial decline in the catch target but account for it differently. Another advisor asked to clarify that whatever recreational measures for GB cod are adopted in this framework would be in place for FY2022-FY2024 and there is no option for RA authority to adjust measures as needed. Staff answered that they feel it is best for the measures to be in place for the first year and then could consider RA authority to change measures in years 2 and 3, adding that the Council will need to be clear with what happens and when with adjusting measures.

One advisor asked at what point in the process is there an opportunity for people to look at the 2020 catch information and say that it does not reflect the reported status of GB cod as determined by the PlanBSmooth approach. The advisor said the status determined from the assessment is not reflecting industry perspective and recent catches, with assessment outcomes showing a completely different perspective than was just seen in the 2020 year-end catch report, and also pointed out that the assessment did not factor in the missing 2020 surveys. She described the PlanBSmooth approach as being based on very noisy survey data that doesn't incorporate areas where catches are occurring. The advisor wondered if the GAP would recommend a consensus around this and recommended that the GAP focus only on the catch target recommendation and not make any recommendations about the recreational measures because of this catch target number and that this is something best left for the RAP to discuss. Staff clarified that the PDT looked at Calendar Year 2020 (CY2020) catch, and not FY2020 catch that was just released last week. Staff added that the CY2020 catch was discussed in the peer review of the assessment and the PDT flagged it would look into this estimate but didn't have the updated catch information at the time. Staff also reminded the advisors of the Council guidance on remanding of SSC recommendations.

Motion #1: Odell/Goethel

Under 4.1.4 Alternative 4 - Changes to the Default Specifications Process for Framework Adjustment 63, the Groundfish Advisory Panel recommends to the Groundfish Committee 4.1.4.4 Option 4: 6 months duration, 75% of the previous year's specifications, no holdback provision, and 2-year US/CA TACs as the preferred alternative.

Discussion on the Motion: The maker of the motion explained her rationale for supporting this option is that three months is not enough, and while four or five months is probably adequate, she thinks six months is the best and most realistic option. One advisor said he is concerned that six months duration is too long for one stock in particular, GB winter flounder, with catches occurring almost entirely in the first six months of the fishing year, and so he thought four or five months duration would be better. The maker of the motion said that while she wants to hold the agency's feet to the fire and not give them too much time, she also understands that hiccups happen. She also said the most critical aspect for her is the 75% amount.

Motion #1a to substitute: Soule/Raymond

Under 4.1.4 Alternative 4 - Changes to the Default Specifications Process for Framework Adjustment 63, the Groundfish Advisory Panel recommends to the Groundfish Committee 4.1.4.3 Option 3: 5 months duration, 75% of the previous year's specifications, no holdback provision, and 2-year US/CA TACs as the preferred alternative.

Discussion on the Motion: The maker of the motion said he thinks five months is doable and acknowledged there have been hiccups in the past where the fishery has come up against the three months default specifications deadline, especially this year being very close. He said the agency puts a lot of work into this and thought that a few additional months should provide enough time to complete rulemaking, and added he is concerned about GB winter flounder stock catches mostly occurring in the first six months of the fishing year. Another advisor said he is sympathetic to this position but wants to point out everything is taking longer especially in the government world and is concerned about delays as long as COVID delays continue.

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

Motion #1b as main motion:

Under 4.1.4 *Alternative 4 - Changes to the Default Specifications Process* for Framework Adjustment 63, the Groundfish Advisory Panel recommends to the Groundfish Committee 4.1.4.3 *Option 3: 5 months duration, 75% of the previous year's specifications, no holdback provision, and 2-year US/CA TACs* as the preferred alternative.

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

Motion #2: Raymond/Odell

The GAP requests the Groundfish Committee to recommend that the Council remand the Georges Bank cod Acceptable Biological Catch (ABC) back to the Scientific and Statistical Committee (SSC) for reconsideration of the position articulated by the minority at the SSC meeting. The new information on FY2020 catch data was not available to SSC. The remand request should be written to avoid delay of Framework Adjustment 63 (e.g., the Council will accept the SSC's Overfishing Limit (OFL) and ABC final recommendations once made and without objection for fishing years 2022-2024).

Rationale:

- The SSC recommendation on GB cod ABC will have devastating social & economic impact on both the commercial and recreational fisheries
- The Council's risk policy guidelines allow for consideration of economic and social impacts in cases where assessment outcomes are highly uncertain, as is the case with GB cod
- The SSC was not provided the data needed to consider the social & economic impacts
- The high FY2020 recreational catch data is incongruent with the purported status of the resource
- A ramped or phased-in reduction in the ABC between 2022 and 2024 as suggested by the minority could mitigate the social and economic impact
- A phased-in approach is consistent with the National Standard 1 guidelines
- The NEFMC commented in support of the NS1 guideline proposal to allow phased-in reductions in ABCs

Discussion on the Motion: One advisor asked what would need to happen to avoid a delay in the framework timeline. Staff responded that the remand for FW59 was a different situation because those stocks had very different stock statuses than GB cod, and so they are not sure the Council will feel the same about accepting the final recommendations this time around. Staff explained that another way this could be handled is if the Council takes final action in December on everything but this one part, which may reduce delays but still would result in some delay. The maker of the motion said she does understand the difference between this situation and that in FW59, but that this GB cod situation is critical as it's going to have catastrophic effects on the fishery. Staff also noted that this is a different situation this year as far as expiring specifications, as last year they had a unit stock under default specifications which had greater fishery impacts. Another advisor asked for an explanation of the minority report from the SSC, since the report is not yet available. The maker of the motion said the SSC members who support the minority report recognized the devastating outcome this would have on the fishery and referenced the risk policy guidelines that says things can be done differently in uncertain assessments, noting that the SSC didn't have economic information to support their recommendation with the large reduction in the ACL, and didn't have information on the high 2020 recreational catches which are not consistent with the

assessment understanding of the GB cod resource status. Another advisor noted issues with the assessment, specifically that reductions in ACLs can affect the assessment outcomes. He referenced recent papers that discuss trends of overestimating fishing mortality and underestimating spawning stock biomass and would like the SSC to discuss this. Another advisor asked if the minority report would be available to the Committee, and staff answered that they cannot say if it will be ready by then but offered that it could be referenced in the motion. Staff also pointed out that economic information was presented to the SSC, just not an evaluation of impacts of different options for the SSC recommendations, and that the 2020 catch information was only available last week.

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

Motion #3: Goethel/Brady

The Groundfish Advisory Panel recommends to the Groundfish Committee, Option 2 for a revised Georges Bank cod recreational catch target, 43 mt (see Groundfish PDT memo). The Advisors further recommend to the Committee that the Council send letters to the States requesting they consider implementing regulations mirroring the Council action.

Option 2 – 43 mt for FY2022-FY2024

The 3-year (CY2018-CY2020) average of recreational catch (163mt), reduced by the percent change between FY2021 US ABC to the proposed FY2022 US ABC (73.8%) results in a GB cod recreational catch target of 43 mt.

Memo from Groundfish PDT to Committee re Framework Adjustment 63 – Georges Bank cod recreational fishery management version 1

Discussion on the Motion: The maker of the motion said in his experience as a for-hire vessel operator the customers need to have the expectation of keeping something, and so they need at least a one fish limit year round. He added that he thinks state waters catches are a big contributor to total GB cod recreational catches. Another advisor asked if there is support for splitting these two motions, as she is not comfortable weighing in on recreational measures and thinks that discussion is best for the RAP who will be discussing this next week. The maker of the motion said he is supportive of splitting this or removing recreational measures from the motion, and that he thinks these are the types of things the RAP will have to recommend to stay within the catch target. One advisor asked for the rationale for a 25" minimum fish size, and the maker of the motion explained this is based on a previous larger minimum size limit that reduced catch, and that changes to the minimum fish size limit may have a greater reduction in catch since reducing bag limits doesn't seem to make much difference because many people catch much less than the bag limit. Another advisor asked why he supported option 2 over option 3 for the catch target, and the maker of the motion responded that he is not even sure option 2 is restrictive enough but it is the most restrictive of the three options, and that he thinks there needs to be hard a TAC for the catch target. Another advisor offered a different rationale for option 2 that is not because it's the lowest number, but rather because of the formula used to reduce the catch target by the ABC percent reduction, even though she doesn't support this outcome from the assessment. An advisor said these options are different than what the PDT has done before, and said she would not want to weigh in on recreational measures until there is more information from the PDT and also feels that is a discussion for the RAP. Ms. Sullivan asked to clarify given the previous motion on recommending a remand, if the recommendation in this

motion would change if the SSC recommends a new ABC, and it was clarified that the formula should be referenced rather than the metric ton number in case the recommendation should change.

Motion #3a to amend: Raymond/Odell

Motion to amend – that the Groundfish Plan Development Team update Option 2 for the GB cod recreational catch target with the FY2020 catches, and then apply the reduction from FY2021 to FY2022 US ABC to the GB cod recreational catch target. *Option 2 – 43 mt for FY2022-FY2024*

Discussion on the Motion: The maker of the motion said the PDT memo doesn't include 2020 recreational catch information that was received last week and so it needs to be updated. Staff clarified that the PDT estimate used in the assessments was for CY2020, and upon learning this the motion was withdrawn.

*Motion #3a **withdrawn** by the maker and without objection.*

*Motion #3 **carried** on a show of hands (5/0/0).*

Motion #4: Goethel/Brady

The Groundfish Advisory Panel recommends to the Groundfish Committee that the Regional Administrator be given the authority to modify the Georges Bank cod recreational measures to prevent the Georges Bank cod recreational catch target from being exceeded for fishing years 2022 to 2024. *Option 2 – 43 mt for FY2022-FY2024*

Rationale:

- This authority was originally provided to the RA under Framework 57 and was not renewed under Framework 59.
- Since the recreational fishery does not have a sub-ACL, any overages will again be applied to the commercial fishery.

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

Motion #5: Odell/Goethel

The Groundfish Advisory Panel recommends to the Groundfish Committee that a Groundfish Plan Development Team analysis with option be developed for the recreational catch target for Georges Bank cod under Framework 63 that is based off “the portion of the average catch from each fishery component from 2001 to 2006”. (Amendment 16 Final Rule published Friday April 9, 2010 page 18267). With an additional reduction applying the percent change from the FY2021 US ABC and proposed FY2022 US ABC.

Rationale:

- Recreational catch was estimated to be less than 5% of the overall catch for GB cod during the development of Amendment 16.
- Since Amendment 16 was implemented, there has been an incremental shift from 4% of the overall catch estimated to nearly 40% in the state and other category in recent years.
- The incremental shift has been the mathematical product of the ABC reduction with a shift of catch to the other subcomponents based upon the subcomponent analysis (average catch that has not factored in the reported status of the stock or the ACL reductions) and revised MRIP estimates.
- Over the years, the subcomponent analysis has allowed for a disproportionate shift in catch baselines and fishery performance. This has become increasingly clear with updated analysis and recent catch reports.
- Amendment 16 established standards to comply with Magnuson and National Standards.

Discussion on the Motion: One advisor asked why this language was put in Amendment 16. The maker of the motion said the Council decided they didn't need to worry about creating recreational sub-ACLs for stocks with recreational catches below 5% of total catch at the time but had discussed how this might be applied in the future. Staff explained that they disagree with this interpretation as they think it's clear that the 2001-2006 time period is for GOM cod and GOM haddock and that the final rule language doesn't have anything to tie 2001-2006 to other stocks. Staff said the supplemental information for Amendment 16 does not match the Council's intent in the final rule for Amendment 16 by referring to 2001-2006 for other stocks, and that this would go against National Standards on fairness and equity and not using recent data. Staff added they don't necessarily disagree with the new option but don't agree it can be tied to this time period. As to how this mismatch occurred, staff explained that the Council deems the regulations text but not the agency's supplemental information, and they are not sure why this was inconsistent and why it wasn't noticed until now. Staff also clarified that the GB cod catch target is not an allocation, and that an allocation would require development of AMs and other management measures in a future action. An advisor who was present during the Amendment 16 discussions said he thought there should be baseline years for all allocations but that's not what was established and pointed out guidance that says they can't tie the hands of a future Council. The maker of the motion said she is not insinuating this is an allocation but is recommending an analysis for the catch target as an additional option. She added that she would argue the National Standards are not being followed now with the recreational fishery well over 5% of total catch without a sub-ACL or AMs. Staff noted that GB cod recreational catches from 2001-2006 were 5.4%. Ms. Sullivan said she will read this section of the regulations to make sure it's clear and clarified that it is specific to GOM cod and GOM haddock and does not reference other stocks.

Motion #5 carried on a show of hands (4/0/0).

AGENDA ITEM #2: 2022 POSSIBLE COUNCIL PRIORITIES

PRESENTATION: 2022 POSSIBLE COUNCIL PRIORITIES FOR GROUND FISH, DR. COUNANE

Staff provided an overview of the possible 2022 Council priorities for groundfish. The goals of the GAP's discussion were to discuss and possibly recommend additional 2022 Council priorities.

Questions and Comments on the Presentation:

One advisor asked where the recommendation to develop a zero ACL for GB yellowtail flounder came from as it seemed like it jumped the queue ahead of other things the GAP and Committee discussed. Staff explained that the bundling exercise is done for priorities that could be done together and said they will need to look into the discussion by the Executive Committee for why this was coupled together. Mr. Reid said there was extensive discussion about separating this out, but the Executive Committee could not come to consensus and so this stays as is coupled together. Ms. Etrie explained that she missed this coupling when ranking, and that she always ranks specifications high as a regulatory requirement and suspects many other members did as well, and so the fact that it was ranked high doesn't mean it is highly supported but instead that it's linked to a regulatory requirement.

Motion #6: Odell/Goethel

The Groundfish Advisory Panel recommends to the Groundfish Committee that consideration of setting the Georges Bank yellowtail flounder annual catch limit (ACL) to zero not be included as a Council priority under Groundfish in 2022.

Rationale:

1. This priority was included by the Council without being recommended, with a thorough discussion, by the GAP and Groundfish Committee in September.
2. It is unclear what problem in the GF fishery this item is addressing and/or other solutions that may be more equitable. No problem was explained when offered at the Council.
3. Over the years, the GAP has made other recommendations concerning GB yellowtail that should be considered first.
4. To date, the GF fishery has done its part to avoid GB yellowtail and keep catches low to rebuild this stock.
5. A discard fishery would not improve biological information needed for future assessments and it would not improve stock status.
6. Unlike other fisheries, the sector groundfish fishery will have high levels of monitoring in 2022 onward - furthering the Council's goal of accurate and precise monitoring of removals.
7. Presently, GB yellowtail ACL is not constraining other groundfish fishing activity on Georges Bank.
8. This stock has historical economic significance to the commercial groundfish fishery.
9. Many permits enrolled under the groundfish sector program have GB yellowtail allocations that could be negatively impacted by this Council action including loss of revenue from fish sales and/or ACE leasing, and negative permit valuation.
10. Criteria have not been established for when a stock might be considered for ACL = 0 nor when an ACL would be reestablished.
11. Unclear how GB ACL = 0 would work with US/CA Sharing Agreement.
12. During the recent Executive Committee meeting, it was noted there will be limited staff time afforded to groundfish in 2022. There are more important items identified and supported by the GAP under consideration by the Council for the commercial and recreational groundfish fishery that warrant Council and staff attention.

Discussion on the Motion: One advisor asked how a zero ACL for GB yellowtail flounder will improve anything especially in light of Amendment 23 with a need for complete monitoring. Another advisor supported the motion, saying that zero ACL catch limits don't make sense with discard mortality on observed trips. He added that he thinks this was included to benefit the segment of the fishery that would not like an ACL (i.e., scallop fishery). An advisor asked what the problem is to be addressed, whether this is a perceived problem by the scallop fishery or if there is a problem for the groundfish fishery. Staff explained that there is a lot of work put in to monitor and manage very low sub-ACLs for GB yellowtail flounder, and that there have been discussions to have a staff working group to explore how this would work, including what AMs would be needed and what would happen if the stock rebounded, recognizing that in the short term this would take time to develop but in the long term should save time. Mr. Bellavance added that at the Committee meeting where priorities were initially discussed this item was put forward for inclusion from public comment, and that he understood that it was the process for priority setting to consider all recommendations.

*Motion #6 **carried** on a show of hands (5/0/0).*

Motion #7: Soule/Raymond

The Groundfish Advisors recommend the Groundfish Committee put forward the following list of priorities for 2022, in order of priority:

1. Set ABCs/ACLs for roughly half of groundfish stocks for FY2023-2025 and US/CA stocks for FY 2023, revise rebuilding plans for GOM cod and SNE/MA winter flounder; adopt additional measures to promote stock rebuilding
2. Allocate GB Cod to the Recreational fishery and establish Accountability Measures
3. Develop metrics to be used in the review process that will evaluate the monitoring system, as per A23 (Multi-year Priority)
4. In consultation with SSC, Revise ABC Control Rules for Northeast Multispecies Stocks
5. Staff: Research Track Assessments: Haddock, American Plaice, Atlantic Cod
6. Staff: Groundfish management track assessments
7. Staff: TRAC/TMGC

Discussion on the Motion: One advisor said she supported this list and ranking, understanding that there are more priorities for groundfish but thinks these address the top issues. Staff explained that subbing a GB cod recreational allocation for a zero ACL for GB yellowtail flounder should take the same amount of staff time.

*Motion #7 **carried** on a show of hands (4/0/0)*

Motion #8: Goethel/Odell

That the Council add a priority for 2022 under groundfish to establish a gear-restricted area in Ipswich Bay.

Discussion on the Motion: One advisor asked if this motion is asking for Office of Law Enforcement (OLE) involvement to enforce these rules or is asking to close parts of the ocean to lobster gear. The maker of the motion responded it is for both, saying he is concerned that if not addressed the fleet will lose all mobile gear fishing grounds in the area and have nowhere else to go. Another advisor said she

hears lots of complaints about fixed gear moving and restricting the mobile gear groundfish fleet but is not sure what is the best way to address this and is not sure if the Council should weigh in on an enforcement issue, and suggested maybe a letter to GARFO. An advisor said he isn't sure GARFO will address this, as with sector agreements they don't get involved. The maker of the motion explained he did call GARFO about this but they said they don't get involved in gentlemen's agreements. Another advisor wondered if there is another fishery management plan (FMP) like whiting or skates that could address this as it may be difficult to find something to take off the priority list for groundfish, though staff reminded the advisors that the focus today is on groundfish priorities. Another advisor said he understands and is sympathetic to this issue but is not comfortable recommending this at the expense of another item.

Motion #8 failed (1/2/2).

AGENDA ITEM #3: OTHER BUSINESS

One advisor wanted to make a recommendation for the GAP to be involved in the research track assessment for cod, beyond being invited to the meetings and specifically being invited to look at survey and catch data to have a better understanding of what is included in the assessment models. Another advisor said he thinks the Science Center needs to get on-the-water experience from industry. One advisor said he isn't sure how this fits in with the assessment process, and that while he is in favor of this, he is under the impression that assessment scientists are limited in what they can do with new information. One advisor noted that New Bedford has industry outreach meetings with the Science Center and that this seems like a topic for those. An advisor though this recommendation goes beyond the GAP's purpose and is not sure all GAP members would be interested. She thought it may be best to work directly with Dr. Kerr as the cod research track lead on this idea.

A draft consensus statement was discussed and then withdrawn without objection.

That the Advisory Panels be specifically included in the Research Track Process (e.g., Atlantic Cod), for example for

- Survey trawl results (location, catch),
- Commercial and recreational data,
- Discard mortality assumptions

The Groundfish Advisory Panel meeting adjourned at approximately 3:10 p.m.