



## New England Fishery Management Council

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Rick Bellavance, *Chair* | Cate O'Keefe, PhD, *Executive Director*

## **DRAFT** MEETING SUMMARY

### Groundfish Committee Meeting

Webinar

June 11, 2025

The Groundfish Committee met on June 11, 2025 via webinar to discuss: 1) Framework Adjustment 72 / Specifications and Management Measures, 2) Redfish Sector Exemption Program Review, 3) Amendment 23 Review Metrics and Indicators, and 4) Other business, including 2025 Council Priorities Review to consider recommending changes to the Council's 2025 Groundfish Priorities to address Atlantic cod measures related to Amendment 25 and the cod transition.

#### **MEETING ATTENDANCE:**

*Groundfish Committee:* Rick Bellavance (Chair), Dan Salerno (Vice-Chair), Alan Tracy, John Pappalardo, Geoff Smith, Jim Gilmore (Mid-Atlantic Fishery Management Council (MAFMC), Megan Ware, Melanie Griffin, Jackie Odell, Michael Pierdinock, Paul Risi (MAFMC), Peter Whelan, Peter Christopher (Greater Atlantic Regional Fisheries Office (GARFO))

*Council staff:* Robin Frede, Angelia Miller, Julian Garrison

In addition, about 31 other people attended. Among them were:

Hank Soule (Groundfish Advisory Panel (GAP) Chair); Attorney Mitch MacDonald and Scott Sakowski (NOAA General Counsel); Cate O'Keefe (NEFMC Executive Director); Liz Sullivan, Mark Grant, Laura Smith, Heather Nelson, and Allison Murphy (GARFO); Paul Nitschke, and Glenn Chamberlain (Northeast Fisheries Science Center (NEFSC)); Sefatia Romeo Theken (Commonwealth of Massachusetts Department Fish and Game Deputy Commissioner); Tara Dolan and Kelly Whitmore (Commonwealth of Massachusetts Division of Marine Fisheries); Corrin Flora (Maine Department of Marine Resources (ME DMR)); Libby Etrie and Gareth Lawson (Conservation Law Foundation); Jerry Leeman (Northeast Fisherman's Stewardship Association); Evan Balzano and Emily Coffin (Maine Coast Fisherman's Association); Gib Brogan (Oceana); Mike Waine (American Sportfishing Association); Vito Giacalone (Northeast Seafood Coalition); Christopher McGuire (Nature Conservancy); Alex Dunn, Emily Bodell, Jonathon Peros, and Jamie Cournane (NEFMC staff); Edward Barrett, Lucinda Nieuwkerk, and Nick Nieuwkerk

The meeting began at approximately 9:32 a.m.

#### **KEY OUTCOMES**

- *Framework 72 / Specifications and Management Measures*
  - The Committee recommends to the Council to initiate Framework Adjustment 72 including specifications and management measures for FY2026-2028 for a number of groundfish stocks, specifications for GB cod and GB haddock for FY2026-2027, the

exclusion of updates to specifications for the northern and southern windowpane flounder stocks, and to establish Regional Administrator (RA) authority to adjust recreational measures for EGOM cod and GB cod for FY2026-2027 only.

- *Redfish Sector Exemption Program Review*
  - The Committee supported the PDT recommendations for metrics to include in the review.
- *Amendment 23 Review Metrics*
  - The Committee supported the PDT recommendations for metrics to include in the pared down list of review metrics
- *Other Business: 2025 Council Priorities Review – Cod Transition*
  - The Committee recommends to the Council no resubmission of Amendment 25/Framework 69, and instead to maintain the Council’s current 2025 groundfish priorities.

#### ***AGENDA ITEM #1: MANAGEMENT UPDATE, GARFO STAFF***

GARFO staff presented a management update, beginning with a review of the disapproval of Amendment 25. The disapproval was based on procedural issues under the Magnuson-Stevens Act (MSA), specifically the improper inclusion of required cod management measures in Framework 69 instead of Amendment 25. GARFO explained that the agency concluded this approach failed to satisfy the legal requirement that rebuilding measures must be included in the amendment itself. The update also addressed the status of Framework 69, which remains under review, and highlighted the overlap between that action and measures currently implemented through emergency rule.

GARFO staff described the emergency rule as a temporary bridge that maintains cod measures while the Council and agency work on a longer-term resolution. The emergency action, which includes sector provisions and allocations for the four cod stocks, is in effect for 180 days and may be extended to cover the remainder of fishing year 2025. GARFO anticipated releasing the proposed rule for Framework 69 in late summer or early fall 2025, with a 30-day comment period.

#### ***Discussion on the presentation***

One Committee member asked how long sectors would need to operate under dual regulatory regimes and sought a projected timeline for Framework 69 implementation. GARFO staff responded that the action was undergoing internal review and that further clarity might be available at the June Council meeting.

#### **Public Comment:**

Libby Etrie (Conservation Law Foundation) asked whether the sector provisions included in the emergency action would be reissued concurrently with Framework 69 or integrated into it. GARFO clarified that the emergency rule includes sector-related measures and that the goal is to transfer these into Framework 69 as permanent components.

#### ***AGENDA ITEM #2: JOINT GROUND FISH ADVISORY PANEL (GAP) AND RECREATIONAL ADVISORY PANEL (RAP) REPORT***

##### **GAP Report, H. Soule**

Hank Soule, Chair of the Groundfish Advisory Panel (GAP), provided a report on the GAP’s input at their June 10 meeting. The report reviewed panel discussions on several issues including rising halibut catches, observer data quality, codend mesh concerns, and sector operations.

Another key topic was the cost of At-Sea Monitoring (ASM). Mr. Soule presented a breakdown from the recent sector managers’ meeting showing that total annual revenues from the groundfish fishery are approximately \$60 million, while ASM costs alone amount to around \$5.4 million. While the full funding

needed to offset these costs had not been secured, \$3 million had recently been approved by the Secretary of Commerce and was expected to sustain full industry coverage until September.

#### Discussion on the presentation

Committee members highlighted increasing halibut landings in both inshore and offshore areas of the northern Gulf of Maine. It was noted that the halibut season in Maine was ending and discussed the limitations in data collection, which currently relies on weekly commercial reports and does not include recreational data. Furthermore, Committee members shared that the Canadian fishery was also experiencing increases in halibut catches as well.

The Committee discussed gear concerns at length, specifically potential discrepancies between gear mesh size and observer measurements. While the GAP Chair acknowledged that observer data are not always reliable on mesh measurements, they noted that caliper-based measurements reveal noticeable differences. Committee members voiced concern about whether vessels were modifying their gear in ways that circumvented mesh requirements.

The Committee discussed the use of the Quota Change Model (QCM) and its assumptions, particularly regarding economic modeling and lease price sensitivity. One Committee member asked about the predictive capacity of the model for lease pricing. Council staff responded that current tools do not forecast lease prices, but future enhancements may improve this capacity. Another question inquired whether the economic assumptions of the model were reflected in the analysis supporting Framework 69. Council staff explained that some stocks expected to see higher lease prices (e.g., GB haddock and new cod stocks) were not included in the QCM runs but were included in the economic impacts analysis.

GARFO staff further clarified that the emergency rule was developed based on Council recommendations and is supported by a Supplemental Information Report (SIR), which incorporates updated economic analysis for the two cod stocks covered under the emergency action.

#### **RAP Report, R. Bellavance**

Committee Chair Rick Bellavance summarized the Recreational Advisory Panel (RAP) input at the joint GAP/RAP meeting held on June 10, 2025. The RAP discussed Gulf of Maine cod and haddock management, including concerns about discard rates, alignment of state and federal measures, and the need for improved recreational outreach and data collection. While the RAP did not make specific management recommendations, they supported establishing the regional administrator (RA) authority to adjust recreational measures for a longer period while ensuring there was ample opportunity for public comment regarding recreational measures.

#### Discussion on the presentation

There was no discussion on the RAP report.

#### **AGENDA ITEM #3: FRAMEWORK 72 / SPECIFICATIONS AND MANAGEMENT MEASURES**

Council staff presented the draft scope for Framework Adjustment 72, which will set or adjust specifications and management measures for groundfish stocks for fishing years (FY) 2026–2028. The Council is expected to initiate the action in June. The presentation outlined Plan Development Team (PDT) recommendations for which stocks should be included, the rationale for excluding others (northern and southern windowpane flounder), and the need to address updated stock assessments, updated status determination criteria (SDCs) if needed, and subcomponent analysis.

#### Discussion on the presentation

The Committee held a detailed discussion regarding the inclusion of windowpane flounder, particularly whether to defer specifications due to timing and limitations of the data updates in place of stock assessments and raised concerns about the ongoing high usage of windowpane in the groundfish fishery,

especially in the southern region. GARFO acknowledged the issue and noted that discard rates were up across the board and that more data would be available by September.

The discussion also focused on how to handle cod specifications given the disapproval of Amendment 25 and uncertainty over whether the agency or Council would take action to implement new stock definitions before May 1, 2026. Committee members and staff discussed whether the Council could establish placeholder specifications for the four new cod stock units, even though these stocks do not yet formally exist in the Fishery Management Plan (FMP). GARFO emphasized that without cod specifications, the fishery would not be able to open in FY2026 and that overfishing must be prevented even if measures must be structured around currently undefined stocks.

There was additional discussion about the possibility of using an emergency rule as a backup approach and the limitations of doing so. Council staff and GARFO noted that emergency actions are temporary by nature and are not intended to serve as a long-term fix. Several Committee members stressed that there is no perfect solution and acknowledged that some risk would exist under any path forward.

## **1. MOTION: SALERNO/PAPPALARDO**

To recommend to the Council to initiate Framework Adjustment 72 to include fishing year (FY) 2026-2028 specifications and management measures, as:

- Revise status determination criteria, as appropriate,
- Set FY2026 total allowable catches (TACs) for US/Canada management units of Eastern Georges Bank (GB) cod and Eastern GB haddock, and GB yellowtail flounder stock,
- Set FY2026-FY2027 specifications for GB cod and GB haddock,
- Set FY2026-FY2028 specifications for GB yellowtail flounder, Cape Cod/Gulf of Maine (CC/GOM) yellowtail flounder, Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder, GB winter flounder, GOM winter flounder, SNE/MA winter flounder, white hake, Acadian redfish, ocean pout, and Atlantic wolffish,
- Review sub-component analysis for stocks with revised specifications, Atlantic halibut, and others as time permits,
- Establish Regional Administrator authority to adjust recreational measures for EGOM cod and GB cod for FY2026-FY2027 only

*Rationale:* The framework is required to meet regulatory mandates and reflects updated cod stock structure (notably the revised GB cod). Excluding windowpane flounder is a workload and timing consideration; data updates are unlikely to resolve current concerns. SNE cod recreational sub-ACL was excluded pending Marine Recreational Information Program (MRIP) catch estimate updates. The RA authority allows flexibility for recreational measures adjustments while awaiting new data.

### **Discussion on the Motion:**

GARFO voiced concern that excluding cod specifications from the framework introduces risk, particularly if neither the Council nor the Secretary acts in time to implement the four biological cod stocks into the FMP before May 1, 2026. Committee members responded that including cod specifications in the framework is a hedge against delayed action and does not preclude agency decisions. GARFO also noted that if the Council bases specifications on two management areas (e.g., GOM and GB), they must ensure overfishing does not occur on the four biological cod stocks identified in the best scientific information available (BSIA).

Additional comments addressed the implications of excluding the Southern New England (SNE) cod recreational sub-ACL. The maker of the motion clarified this was intentional due to pending MRIP updates, which are expected by 2027. The Committee agreed this approach allowed for more informed management.

**Public Comment:**

There was no public comment made on the motion.

**MOTION CARRIED WITH ONE ABSTENTION (GARFO).*****AGENDA ITEM #4: REDFISH SECTOR EXEMPTION PROGRAM REVIEW***

Council staff presented an update on the development of the Redfish Sector Exemption Program Review, which will evaluate the program's performance in recent years. The exemption allows sector vessels to use small-mesh trawl gear to target redfish under specific conditions. Staff explained that the exemption was originally developed to increase utilization of the under-harvested redfish stock while minimizing bycatch. The presentation focused on PDT recommendations for metrics to include in the review. The review intends to examine participation levels, compliance with performance thresholds, observer data, and interactions with other groundfish species.

***Discussion on the presentation***

Committee members discussed the effectiveness of the exemption and offered suggestions for improving program evaluation. One suggestion included examining the proportion of trips that were dedicated redfish trips versus trips that were split between Part 1 and Part 2 to better understand participation, which could address sector compliance and trends in fleet behavior. One Committee member also noted that enforcement issues raised by sectors are documented in their end-of-year reports, which could provide qualitative information, and that sector managers often know which trips operate under the exemption and how effort is distributed, offering an opportunity for improved insight into program operations.

A Committee member encouraged the PDT to evaluate whether compliance thresholds are appropriate given the state of the fishery and the interaction with other groundfish species such as pollock and GB haddock. Council staff acknowledged that many of the discussions during development of the universal sector exemption in Framework 61 considered setting thresholds involves balancing program goals with practical flexibility, particularly for vessels new to the exemption, and confirmed the goals of this metric is to evaluate whether performance thresholds are appropriately set.

***AGENDA ITEM #5: AMENDMENT 23 REVIEW METRICS***

Council staff reviewed an updated list of pared down metrics developed to evaluate Amendment 23 monitoring program effectiveness, focusing on metrics specific to program efficacy, data impacts, and fishery impacts. Further, the PDT proposed to focus on 20 metrics following the Committee's guidance to focus on metrics that could be explicitly linked to effects of the monitoring program and Amendment 23.

***Discussion on the presentation***

Committee members raised concerns about annual fishing behavior variability, cost distribution across trips, and the practicality of measuring bias. Staff explained that updated bias comparisons, trip-level cost assessments, and Quota Change Model simulations would support the analysis. Committee members emphasized that cost efficiency remains a mission-critical objective for the monitoring program.

***AGENDA ITEM #6: OTHER BUSINESS***

This agenda item was split into two parts and focused primarily on how the Council should respond to the disapproval of Amendment 25 and the implications for ongoing 2025 groundfish priorities.

***Discussion on the presentation:***

Council staff and Executive Director Cate O'Keefe reviewed the agency's rationale for disapproving Amendment 25 and presented options for moving forward. GARFO staff explained that the disapproval was based on procedural deficiencies—specifically, the separation of cod management measures (submitted via Framework 69) from the revised stock definitions in Amendment 25, which failed to



satisfy requirements under the Magnuson-Stevens Act (MSA). GARFO emphasized that rebuilding measures must be part of the amendment that establishes new stock structures.

Council staff reiterated that the agency did not raise issues with the substance of the measures, only with the way they were packaged and submitted. A key takeaway was that the Council could choose to revise and resubmit Amendment 25 by incorporating the measures proposed in Framework 69 or rely on the agency to pursue a Secretarial Amendment to address the issue, which it may choose to do so independently.

The Committee discussed at length the risks and benefits of revising Amendment 25 versus allowing the agency to take independent action. Several members expressed concern about abandoning Council priorities—including Amendment 23 monitoring review metrics and the redfish exemption review—to take up additional amendment work. Others worried that if the Council did not act, there might be no measures in place for the start of the fishing season (May 1, 2026).

GARFO confirmed that the emergency rule currently in place would expire by April 30, 2026, and that without new cod specifications implemented through either Council or Secretarial action, the fishery could not open. They stated that while the agency could act unilaterally, there was no guarantee that such a process would be completed in time.

Council staff, GARFO, and General Counsel acknowledged that if the Council were to pursue a more comprehensive framework to replace Amendment 25, it would likely need to be structured as a new amendment due to the scope of the changes involved. The consensus from GARFO and staff was that resubmitting a streamlined version of Amendment 25 would be the simplest and most effective path forward, if the Council chose to act.

However, many Committee members were hesitant to redirect staff time and resources, highlighting the tight timeline and ongoing uncertainty as reasons to rely on the agency to resolve the issue. Several members stressed the importance of maintaining the full set of 2025 Council groundfish priorities and avoiding unnecessary delays or duplication of past work.

No public comments were received during the discussion.

## **2. MOTION: ODELL/GRIFFIN**

The Groundfish Committee recommends that the Council take no further action on Amendment 25/FW69 (no resubmission) and not change groundfish priorities at this time.

*Rationale:* The Committee believes its existing priorities—such as Framework 72, the redfish exemption review, and the Amendment 23 monitoring review—are critical and should not be delayed. Given the procedural nature of Amendment 25’s disapproval, the agency may be best positioned to address the issue through a Secretarial Amendment. Maintaining the current workload ensures progress on time-sensitive actions.

### **Discussion on the Motion:**

Committee members expressed mixed views on the motion to forgo resubmitting Amendment 25 and instead maintain current groundfish priorities. GARFO stated that it would not support a consensus statement, emphasizing the risk of not having cod specifications in place for the start of FY2026. The maker of the motion provided that the intent is to provide direction to the Council without delving into procedural details. A Committee member acknowledged the importance of ensuring cod specifications are implemented by May 1, 2026, but expressed concern about the lack of a contingency plan if Secretarial action is delayed. Additional concerns were shared about procedural uncertainty but ultimately resolved that the agency may be better positioned to address the disapproval. Several other Committee members supported the motion, citing the importance of preserving time-sensitive actions like Framework 72, the redfish exemption review, and the Amendment 23 review metrics. The discussion reflected a consensus

that the Council must stay focused on operational stability while acknowledging risks tied to delayed implementation.

**Public Comment:**

There was no public comment on the motion.

**MOTION CARRIED 10-2-0.**

The meeting adjourned at approximately 3:35 p.m.

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