



## New England Fishery Management Council

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

# MEETING SUMMARY

## Groundfish Committee

Webinar

March 16, 2022

The Groundfish Committee (Committee) met on March 16, 2022, via webinar to discuss and make recommendations on: 1) Framework Adjustment 65/Specification Measures (*to be initiated*); 2) Council Priorities for 2022; and 3) Other Business, as necessary.

**MEETING ATTENDANCE:** Rick Bellavance (Chair), Libby Etrie (Vice Chair), Togue Brawn, Peter Christopher (Greater Atlantic Regional Fisheries Office (GARFO)), Mark Godfroy, Melanie Griffin, Megan Ware, John Pappalardo, Mike Pierdinock, Paul Risi (Mid-Atlantic Fisheries Management Council (MAFMC)), Dan Salerno, Geoff Smith, Wes Townsend (MAFMC), and Alan Tracy; Dr. Jamie Cournane, Robin Frede, and Angela Forristall (New England Fishery Management Council (NEFMC) staff); and Mitch MacDonald (NOAA General Counsel (NOAA GC)). In addition, 21 members of the audience attended, among them were: Dan Caless, Mark Grant, Kyle Molton, Liz Sullivan, Spencer Talmage, and Samantha Tolken (GARFO); Glenn Chamberlain and Paul Nitschke (Northeast Fisheries Science Center); Matthew Gates (Connecticut Department of Energy and Environmental Protection); Eric Reid (NEFMC Chair); Chris Kellogg, Tom Nies, and Janice Plante (NEFMC staff).

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) Meeting Overview Memo from Groundfish Committee Chair and Agenda; (2) Presentation, Council Staff; (3) 2022 Council Priorities; (4a) Groundfish Committee Meeting Summary, Jan. 20, 2022; (4b) Council Meeting, Motions, Feb. 1-3, 2022; (4c) Groundfish Plan Development Team, Meeting Summary, Mar. 9, 2022; (5) Correspondence

The meeting began at approximately 9:30 a.m.

### KEY OUTCOMES:

- The Groundfish Committee tasks the Groundfish Plan Development Team with conducting a preliminary analysis of other federal fisheries catches of Southern New England/Mid-Atlantic winter flounder and present this at the April 2022 Council meeting.
- The Committee recommends to the Council a change in priorities for 2022, adding a transition plan for Atlantic cod management from the current two management unit to up to five management units (multi-year priority). As a part of the transition plan, there will be a white paper on potential approaches to allocate “Georges Bank cod” to the recreational fishery delivered in 2022 to inform the 2023 priorities discussion. The Committee supports the use of contractors to complete part of this work, including work on the white paper.

***PRESENTATION: FRAMEWORK ADJUSTMENT 65, DR. COURNANE (NEFMC)***

Dr. Cournane provided an overview of the goals for the Committee relating to draft Framework Adjustment 65 (FW65). The draft scope, objectives, and range of alternatives were presented. Dr. Cournane shared a draft timeline and noted FW65 is anticipated to be initiated earlier than in years past. The earlier start date will enable a more transparent process, earlier Committee feedback, and the frontloading of work before the busy fall stock assessments scheduled.

Dr. Cournane provided a Plan Development Team (PDT) progress report on FW65, including an update on the timeline for the revised rebuilding plans for Gulf of Maine (GOM) cod and Southern New England/Mid-Atlantic (SNE/MA) winter flounder. The PDT specifically asked the Committee to discuss what the focus of the FW65 item *adopt additional measure to promote stock rebuilding for GOM cod and SNE/MA winter flounder* should be. The PDT asked: *should the focus in this section be on spawning protections or ways to promote spawning? Or some other aspect of rebuilding these stocks?* As an initial step, the PDT offered to summarize spawning based on recent reports, publications, and potentially develop a new PDT analysis to identify times/areas.

**Questions on the Presentation:**

One Committee member asked for clarification on what the PDT was going to be investigating when examining management uncertainty buffers after implementation of Amendment 23 (A23) since part of A23 was the removal of the buffers. Council staff clarified the PDT is tasked with reviewing the buffers and determining if they are appropriate for not only the sector vessels but also recreational and other fisheries. Staff noted that the last time the PDT reviewed the buffers they made no changes. A23 would not take away the uncertainty buffers review processes but does allow for the buffers to be eliminated under certain conditions.

Another Committee member asked about the status of the review and revision of acceptable biological catch (ABC) control rules. Staff noted there is a subgroup of three PDT and three Scientific and Statistical Committee (SSC) members who are currently working on this. The PDT will collaborate closely with the Committee to develop alternatives to the current control rules. There will be discussions on what is working and what is not, which could lead to refinements of certain aspects or a complete change. The Committee member noted a clear understanding of what is trying to be achieved with the new control rules will be necessary to determine the magnitude of change needed.

The Committee had an extended discussion on the timeline of the GOM cod rebuilding plan and work currently underway in the Atlantic Cod Research Track assessment. One Committee member asked what would happen to a rebuilding plan if it was developed under the current two stock-structure management system but then shortly after the Research Track changes the stock structure to four units. Staff responded that the Council has received a letter from the Regional Administrator that the GOM cod stock is not making adequate rebuilding progress and therefore a revised rebuilding plan needs to be developed. If the Council does not update the rebuilding plan, NMFS will be required to. Staff acknowledged this is a conundrum, but since the Atlantic cod structure will likely change, the rebuilding plan could also focus on measures to increase spawning in addition to rebuilding catch limits included in a plan. Mr. Christopher acknowledged that the timing is challenging, but noted the Council and NMFS are working closely to best handle this and noted it is possible the management measures included in the rebuilding plan could consider the possibility of a change in stock structure.

Another Committee member asked if the PDT discussed looking at the efficacy of current spawning closures before considering additional spawning measures. Staff noted that the PDT has only had a

preliminary discussion about spawning measures to promote rebuilding and is seeking Committee input. The PDT discussed the difficulty of implementing spawning protection measures for SNE/MA winter flounder since spawning mostly occurs in state waters and discussed the difference between trip limits in state and federal waters during spawning times. A Committee member asked if there were plans to coordinate with the states, Atlantic States Marine Fisheries Commission (ASMFC), and the Mid-Atlantic Fishery Management Council (MAFMC) on SNE/MA winter flounder rebuilding. Staff noted additional analysts and policy workers can support the PDT through the subgroup process. Additional PDT members do not necessarily need to be appointed at this point. Staff noted that rebuilding measures involve both state and federal waters fisheries and the sooner collaboration starts the better.

Jackie Odell (Northeast Seafood Coalition) asked what the PDT would be looking into when investigating spawning in federal waters and what the spawning areas of focus would be. She also asked what the key differences in commercial trip limits between state and federal waters are. Staff noted that the PDT has previously looked at trawl survey data in the GOM to identify ripe and running cod and noted they may be able to use a similar approach to identify if SNE/MA winter flounder are spawning offshore. They explained the PDT summary noted there are management differences for the trip limits in state waters and for the common pool vessels in federal waters. Staff noted if the PDT did an analysis on spawning areas, they would look at all available data and information.

Comments on the Presentation:

One Committee member expressed concern about sub-component fisheries that have high catch of SNE/MA winter flounder but do not have accountability measures (AMs) and used trips classified as squid trips in the 2020 year-end groundfish catch report as an example. The member asked if the PDT had thought about looking at catch in other fisheries. Staff noted that the Committee could recommend the PDT explore a small-mesh sub-ACL for SNE/MA winter flounder with AMs and stated this is utilized in the small-mesh fishery for Georges Bank (GB) yellowtail flounder. Staff noted AMs are usually implemented post-season. Since the squid fishery is managed by the MAFMC, staff stated if this is taken up by the Council then the Council should consider tasking staff with writing a letter to the MAFMC explaining the NEFMC is looking into this. The Committee member noted it would be helpful to have a preliminary summary of catch of SNE/MA winter flounder in other fisheries. Another Committee member expressed strong support for this.

One Committee member asked if the PDT had thought about specific areas when considering additional measures to promote stock rebuilding for GOM cod, since some areas currently designated as GB cod may become GOM cod and vice versa under a new stock structure. Staff noted the PDT has not had this discussion yet.

**Consensus statement #1:** Task the Groundfish Plan Development Team with conducting a preliminary analysis of other federal fisheries catches of Southern New England/Mid-Atlantic winter flounder and present this at the April 2022 Council meeting.

No objections.

Discussion on the Consensus Statement:

One Committee member asked if a similar analysis could be done for GOM cod, given that there has been concern about the catch of GOM cod by the lobster fishery. Staff noted the catch of cod in other fisheries will be explored by the Atlantic cod research track working group. Another Committee member clarified this analysis would only be looking at federal waters, and staff explained that state water fisheries can be

summarized if there is interest from the Committee, but there are other federal fisheries that are under Council management that catch SNE/MA winter flounder. A different Committee member noted they are particularly interested in what is caught in federal fisheries.

One Committee member clarified that if they have any additional priorities to include in FW65 they should be prepared to share them up at the April Council meeting. The Chair stated this is correct.

## ***AGENDA ITEM #2: COUNCIL PRIORITIES FOR 2022***

### ***PRESENTATION: 2022 COUNCIL PRIORITIES, DR. Cournane (NEFMC) AND MS. FREDE (NEFMC)***

#### **Amendment 23 Metrics**

Ms. Frede gave a PDT progress report on A23 review metrics. She explained the purpose for the review metrics and stated the PDT had a preliminary discussion on the timeline. The PDT and Council have acknowledged that metrics and indicators might be different under higher and lower coverage rates, and although A23 sets observer coverage at 100% when there are federal funds available it may be as low as 40% in years when funds are not available. A list of initial questions for the PDT sub-group were shared. Ms. Frede noted that this process will combine the review that is looking at overall monitoring coverage and the review of exclusions under A23.

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

One Committee member expressed confusion about what metrics are going to be developed, since the A23 analysis was based on bias. The member stated they understood the thinking behind improved accuracy enabling a better understanding of bias, but that specific bias metrics should be developed. Staff noted there has not been a discussion on specific metrics yet, but that the metrics will look at if bias concerns are reduced when observer coverage is closer to 100%.

Multiple Committee members had input on the baseline years utilized in the review. One member asked where the language about establishing a set of years before A23 implementation for comparison came from. Staff explained that the PDT wants to understand the changes in metrics and indicators from the current program to the revised program under higher levels of coverage. Another stated the years where observer coverage was impacted by COVID-19 should be included but not combined since each year had slightly different circumstances. Staff noted the PDT began to discuss how to handle the COVID-19 years and they want to look at market condition impacts in addition to observer coverage impacts.

One member asked if the Committee will offer ideas to the PDT or if the PDT will bring ideas to the Committee. Staff referred to the timeline and explained the PDT will brainstorm an initial list to present to the Committee. There will be back and forth between the PDT and the Committee, then the SSC could provide input. A member brought up the work Michael Palmer did on statistical area reporting and Chad Demarest did on bias indicators as jumping points for developing metrics. They noted there will need to be an aerial component to the analysis since vessels fishing west of 71°30' W longitude are exempt.

Jackie Odell (Northeast Seafood Coalition) asked if the A23 metrics sub-group meetings will be public. Staff explained the sub-groups are working groups made up of PDT members and other analysts. Subgroups enable the PDT to accomplish more work and will not be public. Staff stated the public can

attend full PDT meetings where information is summarized and reviewed but PDT meetings do not have a public input component unless the chair decides otherwise. Ms. Odell noted A23 was based on bias indicators and the review process should use the indicators that served as justification for the action to determine how the fishery is improving.

### **February 2022 Council Meeting Recap**

Dr. Cournane provided a summary of the February 2022 Council meeting outcomes related to the Atlantic Cod Research Track and stock structure. She noted the Council had a lengthy discussion on if they are supportive of the Research Track Working Group's initial proposal of four biological units as the new paradigm for management units. The Council made a motion at the February meeting for the Committee to consider whether the priorities for 2022 should be adjusted to include the development of a transition plan from the current two cod management units to from two to five revised management units. The PDT subsequently recommended a change in priorities. Dr. Cournane explained the Committee is now tasked with discussing if they support a change in Council priorities.

#### Questions on the Presentation:

One Committee member expressed concern that Marine Recreational Information Program (MRIP) data is already questionable and breaking it down into smaller areas would be problematic. The member noted this may result in extremely low sub-ACLs. Staff noted that the Research Track will be discussing this issue.

Another Committee member asked what the benefits are of having smaller management units of cod given the current low biomass levels and shifts in species distribution. The member noted this will drastically increase workload and asked if more stock units would ensure National Standards are better met. Staff explained increasing the management units from two to up to five would be better aligned with the latest science and understanding of the biological units of cod. The member noted that the management units do not have to be perfectly aligned with the biological units and could also be based on practical, economic, and social information.

Another member asked if there was a way to have input from the Groundfish Advisory Panel (GAP) or Recreational Advisory Panel (RAP) on changing priorities. Staff explained there is nothing in the handbook that says an AP needs to be involved in a priority change but states any change in priorities will be proposed by the Committee to the Council. The Committee member noted there was a lengthy discussion in December to *not* include this in the priorities because there was a desire to see how the Research Track evolved and stated input from the APs may be beneficial since it is still early in the year.

#### **Motion #1: Ware/Smith**

Move to have the Committee recommend to the Council a change in priorities for 2022, adding a transition plan for Atlantic cod management from the current two management unit to up to five management units, and removing the priority on a Plan Development Team developed white paper on potential approaches to allocate Georges Bank cod to the recreational fishery.

#### Rationale for the motion:

The maker of the motion noted that it is difficult to decide where to put resources, but it would be beneficial to think about the big questions of cod stock structure now. They noted the Atlantic Cod

Research Track work has implications on rebuilding and having a spatial understanding of the stock is critical. They also noted recreational allocations of GB cod is a part of the cod stock structure discussion. The seconder of the motion expressed their appreciation for the maker noting the transition plan on cod will help inform a white paper on GB cod recreational allocation and the sequencing of having the transition plan discussion first makes sense.

Discussion on the motion:

One Committee member noted they cannot support this motion since the white paper was designed to incorporate the ongoing Research Track work. They noted it sends the wrong message to the commercial fishery since the commercial fishery is experiencing a 70% reduction in ACL for GB cod but the recreational fishery is operating without an allocation.

**Motion #1a:** Etrie/Salerno

Move to amend Motion #1, as:

To amend to move to have the Committee recommend to the Council a change in priorities for 2022, adding a transition plan for Atlantic cod management from the current two management unit to up to five management units.

Rationale for the motion:

The maker of the motion agreed with the maker of the first motion that the GB cod recreational fishery issue is linked to the Atlantic Cod Research Track work but stated the discussion on an allocation to the GB cod recreational fishery needs to continue. They reiterated that removing this priority sends a negative message to the commercial groundfish industry.

Discussion on the motion:

Multiple Committee members agreed that the two issues are linked. One noted there is a need for both the transition plan and the white paper but stated there needs to be an aerial component to the recreational allocation. Another asked if there are any portions of the white paper that could be addressed by the transition plan. Staff shared an underlying motion to the Council's final motion in February 2022 that included a list of items to be included in the transition plan. The member stated that based on the list they would not interpret the GB cod recreational allocation issue as being included in the transition plan.

Multiple Committee members expressed support for removing the white paper since there is not a clear understanding of how many management units will be established. One noted the GB recreational allocation used to be such a small percentage of total catch, but with catch levels drastically reduced the percentage has increased. They expressed frustration that the Canadian fisheries have not experienced a reduction proportional to what the U.S. fisheries have. A different Committee member said claiming the Canadians are not seeing a 70% reduction in catch limits like the U.S. fisheries is an unfair characterization. The approaches to assess the eastern management unit and GB stock are different.

A Committee member asked for a refresher on the process for changing priorities, noting they were under the impression if a priority was added one needed to be removed. Staff stated the Committee should address how the suggested change will be reconciled with resource constraints. Staff noted during the priority setting process they do not recall any free groundfish staff hours. In the past contractors have worked some priorities, but the staff noted the oversight and review of contractor work does take staff

time. Multiple Committee members expressed support for the white paper being moved to contractor work.

One Committee member asked if the PDT had any recommendations on what priority should be removed. Staff explained the PDT did not have time to discuss this. The PDT did note the transition plan should be a multi-year priority.

Another Committee member asked what the white paper was going to accomplish. Staff stated the priority to allocate GB cod to the recreational fishery is a multi-year priority and the first step is the development of the white paper. There has been past work from the PDT evaluating what a sub-ACL would be, listening sessions about the possibility of a limited access program in the recreational fishery, and the development of a strawman about how a limited access program would work. The member asked when a recreational allocation could be expected if there wasn't a change in priorities. Staff explained it is a multi-year priority, but if the Council felt they had enough information they could potentially pursue including it in the 2024 catch limits. However, what the allocation would be and to what area becomes complicated since it is unknown what the cod stock management structure will be.

A Committee member noted they could either recommend to the Council to hire a contractor to work on the white paper or the work for the white paper could be embedded in the Atlantic cod management transition plan work since they are both multi-year priorities and linked. Another stated the white paper is supposed to inform the Council's priority process for 2023 and not meant to be a hard and fast decision on what the allocation should be. The member noted this work was not intended to happen in a vacuum and the recreational allocation is not meant to be based on the current stock structure.

Multiple committee members commented referencing this recreational allocation as a GB cod allocation causes confusion, since the recreational catch that is happening in the current GB area may soon in an area designated as SNE or Western GOM. Another member then pointed out the GOM cod recreational fishery *is* an allocated fishery. They stated the white paper is important for the entire cod recreational fishery since some components may change from the non-allocated GB fishery to a highly accountable GOM fishery simply from the change in stock management units.

A Committee member shared concern that if the GB recreational fishery exceeds their catch targets there could be a pound-for-pound payback put into place on the commercial fishery in 2024 that could potentially shut down the commercial fishery. Staff noted that a transition plan will have to determine how a pound-for-pound payback triggered in a particular area would be enforced or pro-rated the following year if the management area is changed. They stated this highlights the need for a greater discussion about the downstream management implications of these changes. Another Committee member noted both the recreational and commercial fisheries feel the impacts of overages, and recreational fisheries experience cuts to season lengths or bag limits when there are overages in the previous year.

**Motion #1b: Ware/Papalardo,**

Move to substitute Motion #1a, as:

Move to substitute the motion to amend to have the Committee recommend to the Council a change in priorities for 2022, adding a transition plan for Atlantic cod management from the current two management unit to up to five management units (multi-year priority). As a part of the transition plan, there will be a white paper on potential approaches to allocate "Georges Bank cod" to the recreational

fishery delivered in 2022 to inform the 2023 priorities discussion. The Committee supports the use of contractors to complete part of this work, including work on the white paper.

*Discussion on the motion:*

One Committee member asked for a more definitive time frame for the white paper. Staff noted identifying and working with a contractor takes time. They noted if there is a reason the Committee wants the paper completed by September 2022 it would be good to know why. A broad 2022 deadline will ensure the white paper is available to inform the 2023 priority setting process and is a more realistic timeline, especially if staff have the help of a contractor.

Motion #1b as the motion to substitute carried on a roll call vote (9/1/2).

Motion #1b as the motion to amend carried on a roll call vote (9/1/2).

Motion #1b as the main motion carried on a roll call vote (9/1/2).

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

The chair noted that the Council is transitioning back to in-person meetings. The April Council meeting will be a hybrid meeting and the Executive Committee will discuss future Committee and other advisory group meetings being held in person.

The Groundfish Committee meeting adjourned at approximately 12:55 p.m.