

New England Fishery Management Council Groundfish Oversight Committee

Meeting Summary
January 24 - 25, 2013

The Groundfish Oversight Committee (Committee), Groundfish Advisory Panel (GAP) and Recreational Advisory Panel (RAP) met in South Portland, ME. The Committee, GAP and RAP discussed recent work on the Omnibus Habitat Amendment, potential modifications to year round closed areas and Closed Area Technical Team (CATT) progress. Committee members present were Mr. Terry Stockwell (Chair), Mr. Terry Alexander, Mr. Erling Berg, Mr. Frank Blount, Mr. David Goethel, Mr. Peter Kendall, Mr. Howard King, Ms. Sue Murphy, Dr. David Pierce and Ms. Laura Ramsden. GAP members present were Bill Gerencer (Chair), Carl Bouchard, Chris Brown, Richard Canastra, Aaron Dority, Gary Libby, Jan Margeson, Jackie Odell, Paul Parker, Maggie Raymond, Michael Russo, and Hank Soule. RAP members present were Barry Gibson (Chair), Richard Bellavance, Tom DePersia, Joseph Huckemeyer, Emilie Litsinger, Capt. Patrick Paquette, Jonathan Sterritt, Donald Swanson and Kevin Twombly. They were supported by Council Chairman Mr. Rip Cunningham, staff members Mr. Tom Nies, Mr. Andrew Applegate, Ms. Pat Fiorelli, and Fiona Hogan (NEFMC), Mr. Mark Grant, Ms. Sarah Heil, Ms. Melissa Hooper and Mr. Michael Ruccio, (NMFS NERO).

Discussions were guided by the Draft Framework Adjustment 50 dated January 22, 2013, Groundfish PDT Memo to the Committee dated January 18, 2013, Groundfish PDT Memo to the SSC dated January 16, 2013, Presentation: Omnibus Essential Fish Habitat Amendment 2 Habitat Management Options, Draft Omnibus EFH Amendment 2: Options and alternatives to minimize the effects of fishing on EFH and designate Dedicated Habitat Research Areas dated January 23, 2013, the CATT Progress Report dated January 18, 2013, CATT Progress Report Presentation and a series of correspondence received by the New England Fishery Management Council.

Overview of Omnibus Habitat Amendment

Staff provided a brief summary of the Omnibus Habitat Amendment 2. The Magnuson-Stevens Act provides some guidelines for habitat on minimizing the adverse effects on Essential Fish Habitat (EFH) to the extent practicable; however, the Council can decide when that guideline has been met. The Habitat PDT and Committee completed a data driven analysis that resulted in a series of management measures that the Council and public could discuss. Some analysis was done on gear modifications because mainly bottom tending gear were proposed for closures. Staff outlined the options related to current areas that included Jeffreys Bank, Jeffreys Ledge, Stellwagen, Georges Shoal and Cox's Ledge. Proposed changes to the existing closed areas and implementation of new sub-areas were based on modeling and substrate maps.

Staff explained that as work continues, there will be a range of management options to be considered. The Omnibus Habitat Amendment 2 would include areas known as Designated Habitat Research Areas (DHRAs) that would be closed to fishing effort and serve as a comparison and control area to help determine whether the closed areas impact habitat and fish stocks. Staff explained that next steps include the CATT completing work to identify management areas to meet groundfish related objectives. A future joint Groundfish and Habitat Committee meeting may be necessary to reconcile habitat and groundfish options.

A Committee member questioned why there was concern for the northeast part of Georges Bank and whether there was an equivalent closure on the Canadian side of the Hague Line. Staff explained that the habitat type in question on that northern edge extended into Canadian waters but did not think there was a closure on the Canadian side. It was suggested that an alternative chart from Canada (4011) be used when discussing the Downeast Maine area. Another Committee member questioned whether the Habitat PDT would provide guidance on how much of the various habitat types should be protected considering the four areas proposed in the Great South Channel and the two Georges Bank Shoal areas; the Habitat PDT has discussed this and is considering options to achieve that but guidance from the Council would help the Habitat PDT.

A Committee member expressed concern that after twenty years of closed areas no research had been conducted on their effectiveness and requested that these closures be phased in over time with some mechanism built into the process to evaluate closed areas on a timely basis. Staff outlined the research component incorporated into the Amendment that would evaluate the areas after three years to determine whether they provided any benefits; the SASI model scores areas based on habitat type but does not indicate any enhanced value from an area. A Committee member suggested that tilling the seabed was important for productivity and to reduce scallop death and closing areas may cause harm.

The shape of a couple of the proposed closures was queried; mainly the use of a square, to simplify enforcement, as opposed to fathom curves. A Habitat Committee member explained that the closed areas had to be large enough to be enforceable and the proposed closures are compromises between entities that wanted larger or smaller closures. A smaller square mile total is being protected by the proposed closures than under the existing closures. The potential Downeast Maine closure has not been widely discussed by the public to date but was an industry/stakeholder proposal and was included by the Habitat Committee. A RAP member considered the closures to be a sacrifice but indicated that recreational fishermen would accept them if they received a benefit from them.

Public comment included:

- Chris Brown: Just a general comment on ground cables. I think there's more to that conversation than meets the eye. Ground cables are a function of efficiency. If I go to an area and target a certain amount of flatfish or codfish, what I have in mind for a trip, I may have to make twice as many tows with half the number of ground cables. It isn't the ground cables which generally cause bottom disruption. I would suggest it's the trawl doors. If I have to make twice the number of tows to take the same fish out of an area simply because we've identified the ground cables as something that impacts the bottom, I think we're missing the point. I tow ground cables that are wrapped in rope and we'll get about a year and a half out of a ground cable, that's how lightly they dance across the bottom in Southern New England. They're not destroyed for a long time. It takes a real long time and the shoes on the doors wear out much faster than the ground cables do so I think the ground cable discussion is not going to take you where you really want to go. Thank you.
- Drew Minkiewicz, Fishery Survival Fund: I just wanted to make a couple of points. One, we're hearing the terms of protecting habitat to increase productivity come up in this discussion and I want to make it very clear what we're talking about here. In habitat parlance we have four levels of data related to habitat. One being presence/absence and then going from there. Four being habitat relates to productivity; that's the holy grail of habitat information. When we were surveying all of the available information to go into the SASI model there is zero level 4 information. There is zero information linking habitat to productivity. There is no scientific basis for any statement that says habitat increases productivity. Add to that, that Northern Edge has been closed since 1994, the other areas have been closed since 1994, for cod protection among

other things and tomorrow we're going to be talking about cod levels that are the lowest we've talked about as far as catch levels. So we've had these closures in place for almost 20 years, we've reduced catch and now we're talking about some of the lowest levels of catch so there is no basis for saying habitat closures increase productivity in our real world observations. So anyone that says that if you close these habitats you're going to increase productivity, they say so without any scientific basis for that statement and it is contrary to everything that we've observed in actual collective experience. There is no justification for doing it for productivity. I want to comment when this whole process first started and we were putting all these different boxes on the map and the industry said we don't want to look at just closures but were told no, you guys are being paranoid it's not just going to be closures we're going to have all these different options; we're doing it different, why do you always get so concerned when we put a box on the map? It's not just closures. What are the options that are up here right now? Closures and only closures. So once again we're going down this road of trying to close areas under the auspice of trying to help productivity when there is no information.

- Jackie Odell, Northeast Seafood Coalition: We've made this comment a few times at Habitat Committee meetings and now that we have a diverse crowd, I feel it's important to mention it again. The areas we're talking about on Georges Bank that we're looking at right now through the Habitat Omnibus Amendment, Georges Bank shoal west and Georges Bank shoal east are very important areas where fishermen, the offshore boats, are catching their allocation of Georges Bank winter flounder. That's going to be one of the stocks that we have left to catch in the coming year and that's going to be a very important area for many of the offshore boats. We had a membership meeting in New Bedford over a week ago where we were looking at some of these options and had talked to guys about how they may shift their effort, depending on the level of closure for habitat that may take place in that area. Would they go into the areas over by Closed Area II or would there be other areas where they could go and basically the answer was no. Because of the restrictions they're going to have with all their other reductions in the ACLs they're really going to be restricted to fishing in areas where Georges Bank winter flounder is concentrated so I just want to make sure that we don't overlap habitat areas that are going to have impacts on where guys are going to be able to catch some of their allocation for stocks that may be the only ones left to catch so I just want to make you all aware of that; we need to be very cognizant of protecting areas but also not doing it in places where we could have really adverse impacts on the fishery and its ability to operate.
- Greg Cunningham, Conservation Law Foundation: There was a suggestion that an effort here could be made to do this in somewhat of a stepwise process that rather than institutes the closures that were depicted on the map simultaneously and at once as part of the Habitat Omnibus Amendment that perhaps we could do it in more of an experimental fashion and see how those closures are and act based on the information we get from those. I think that suggestion ignores that there's a legal obligation here under the Magnuson-Stevens Act to protect Essential Fish Habitat to the extent practicable and to minimize the impacts from fishing. I think some of the history here is informative in that there was a lawsuit in 2000 that resulted in a court order requiring the Council and the Agency to implement protections associated with Essential Fish Habitat. Amendment 13 resulted from that court order and the habitat closures that you see on the map currently are largely as a result of Amendment 13 and its attempt to comply with that order. You've heard today that our now Habitat Omnibus Amendment attempt to protect habitat is actually going to reduce the total amount of habitat protected, if implemented, as proposed at the moment by upwards of fifty percent. I think there's a real question as to whether that in and of itself, the alternatives currently on the table, in and of themselves, are legally compliant, particularly in light that they are actually reducing habitat protection. Additionally there is the suggestion that was made that there is no certainty that closing these areas will ensure greater

productivity and first of all that is not a requirement under the Magnuson-Stevens Act. This is not a groundfish closure, this is not an attempt to necessarily ensure effort limitation or increased productivity similar to the groundfish closed areas that currently exist so these are efforts to protect bottom habitat now there are plenty of studies that reflect clear linkages between protection of bottom habitat and productivity. There is no certainty; clearly, if we're looking for certainty I don't think you're going to find that in much of what we're working on here, however, there is pretty clear certainty that there are many uncertainties out there. The stocks are shrinking as a cause of any number of effects that include climate impacts. Closures are a buffer against that uncertainty and we hope that this Committee and the Council as a whole appreciates that reality and the implications of not only reopening existing closed areas but not taking the necessary and appropriate actions to close areas to ensure protection and buffers against the great and increasing uncertainty remains in place. Thank you.

- Craig MacDonald, Superintendent of Stellwagen Bank National Sanctuary: If I could just address Ms. Ramsden, who asked a question about the research. The experience of the Stellwagen Bank National Sanctuary where we've used the Western Gulf of Maine closure as a relatively un-impacted site, we've been studying the recovery of habitat for ten years now. We've found that for gravel habitat, which is the habitat of greatest value, it took seven years before there was a statistical difference between areas where fishing continued and between where bottom impact had occurred. Ten years now, three years after that we still don't have what's considered resiliency. When you're looking at the replicates you're seeing a lot of variability between replicates. It's not settling down. In our management plan experimentation is outlined and it takes into consideration the difference between a natural disturbance, bottom impacts, fishing effects and in our case where cable was later crossed the sanctuary, it's to look at those three things. I think so far it's been very instructive in terms of how long it takes things to recover. We're not looking at fish per se we're primarily looking at what's happening with the benthic fauna that's recovering. Relative to Mr. Minkiewicz's comment, he indicated that there are no studies on productivity improving with Marine Protected Areas. There is a paper which I'll be happy to make available to the Habitat Committee that just came out in the Proceedings of the Royal Society, titled "Lobster and Cod benefit from small scale northern MPAs", a lot of the work done on Marine Protected Areas relative to productivity has been done in lower tropical areas and it's always been assumed that you need a large area closed in temperate zones to see improved performance. They looked at cod and they looked at lobster. One line from the abstract - "after four years European lobster catch per unit effort had increased by 245% in Marine Protected Areas whereas the catch per unit effort in control areas increased by 86%". This is perhaps the first study that looked at the before and after of a Marine Protected Area and a control area related to the change of production of lobster. They also looked at cod and the results weren't quite as clear in cod but they indicated the partial protection of Atlantic cod was followed by increase in population density and body size compared to closed areas. The conclusion of the paper for cod and lobster was that Marine Protected Areas of a modest size did show a significant performance in terms of production for those two species.
- Ben Martens, Maine Coast Fishermen's Association: I wanted to quickly address a couple of things that have been said. One is, there are a lot of fishermen who do believe that closed areas have an impact and they're important to protect and that they fish around the edges for a reason because there are high densities of fish that come around and come out of these areas. The other thing that I think has been said over and over again that I just want you guys to really think about and I don't know one way or the other how this works but I think it's disingenuous to say that because we have a low abundance of fish right now that that is a reflection on how closed areas have been effective or not. We have been making choices over the past twenty years to take more fish and higher numbers of fish than science has recommended. We've been taking the upper

limits on every decision that has ever been made when it comes to choosing allowable catch limits. Most of those decisions have been based on a 50% chance that that will actually rebuild a stock so you are flipping a coin every time you make that decision. To assume we're going to come heads up every single time that just doesn't necessarily work and I don't necessarily disagree with all of those choices that we made but I do think that we can't look at closed areas in just one little lens of what we've done and said well we don't have a lot of cod anymore so obviously they don't work. I don't think that that's necessarily a factual statement.

A RAP member queried whether studies were available on marine spatial planning, mainly in using an area for two different purposes, e.g. wind farm. Staff informed the Committee that they were keeping abreast of wind farm projects and were providing maps to inform the planning process but were unsure how industry would utilize a wind farm area. A GAP member raised the issue that despite an area technically being opened, it may not be available for fishing due to gear conflicts and was interested in having a closed area in his backyard that was closed to everyone.

A Committee member informed the group that when the closed areas were originally designed they were not habitat closures and no mechanism was established to estimate their performance; there is no direct evidence of a link between habitat and performance but based on farming examples there should be a connection between the two. The proposed habitat closures reduce the total area that is closed to fishing and establish an evaluation methodology. Another Committee member argued that it could be shown that areas need to remain open as fishing would till the ocean.

Staff clarified that the Habitat PDT didn't conclude that gillnets had no impact on benthic habitat but that it was substantially less compared to mobile tending gear. A Committee member wanted to explore the impacts of gillnets that are allowed to fish in areas closed to mobile tending gear and address the user group conflict.

Public comment included:

- Caroline Woodhead, Cooperative Research: I'm just wondering, Ms. Bachman mentioned the gear modifications that were discussed but weren't moved forward so I'm just wondering what the discussion is on potential low impact gear modifications, not so much reducing the length of ground cables but possibly off bottom ground cables as well as semi-pelagic doors. Obviously we need more information on those things but what level of information is needed to consider those for options.

Staff was interested in working with Cooperative Research to identify the correct gear elements to analyze the effectiveness of the gear and to ensure the data availability for the analysis. A GAP member questioned the difference between habitat protection and enhancement. Staff explained that the goal or objective identified by the Council was to protect and enhance habitat. The difficulties of fulfilling habitat goals and objectives were highlighted in a couple of examples where expected benefits were not realized and negative enhancement occurred from invasive species. A Committee member was concerned that more harm than good could be done by closing these areas; by not tilling these areas they could be covered in skate and sponges.

Analysis of Sector Exemptions to Year Round Closed Areas

Staff updated the Committee on the progress of the Closed Area Technical Team (CATT) and reviewed the goals and objectives for groundfish closed area management. The CATT has reviewed relevant case studies and identified the intended and actual effects of closed areas. The effects of the closures tended to be different than planned, e.g. a habitat closure on the Scotian Shelf had poorer characteristics compared

to the open areas and the haddock had moved eastwards. The CATT wants to identify areas that provide the most benefit for the least cost but need time to complete analyses. The CATT has developed a methodology to evaluate what might be the best choice for a life stage of fish. The CATT has also been conducting a geographic cluster analysis using state and federal survey data and observer data. The observer data, while available year round, is highly affected by where vessels fish and regulations that restrict where fishing occurs, resulting in potential gaps for important life stages. The CATT is developing geographic models of juvenile groundfish distribution using some explanatory factors, however, the statistics are complicated and so alternative methods are being explored. Fishery net revenue maps and observer data are being examined to evaluate the effects on the fishery. There are a number of management policies that could be implemented. An automatic sunset provision could be implemented such as pre-determined number of years or a triggered event, e.g. cod get above biomass target. The criteria to close an area also need to be outlined, e.g. commercial/recreational areas or allow selected gear that allows targeting of flatfish without capturing spawning cod. In terms of substrates, bottom tending mobile gears could be restricted but in terms of groundfish, the banning of gillnets and long lines could also be considered.

A Committee member queried whether the CATT was utilizing an industry based survey conducted by the Massachusetts Division of Marine Fisheries (DMF) and industry. The survey sampled the Gulf of Maine and checked spawning conditions. The Council Chair asked staff about an updated timeline and whether the Council could do anything to help the CATT get the necessary expert consultations. The CATT has already reached out for expert consultations. Staff explained that a lot of the data is point data and they have not established if they will extrapolate it throughout the year but the CATT will include some geospatial analysis. A Committee member was concerned that if four life stages and nineteen species are included then nothing useful would result as everything is everywhere. In terms of life stages, the CATT is trying to isolate an association with juvenile fishing habitat as a first cut. A juvenile fish is defined as those fish at which less than twenty percent of fish that size are mature; large fish are defined as those where more than eighty percent of fish at that size are mature. A Committee member was concerned about the lack of data from the closed areas, due to complex bottom limiting the survey. Another Committee member asked how the CATT planned to deal with the snapshot nature of the survey, i.e. the one week trawl survey may miss the fish in an area. The net revenue maps use some observer data and take the average price from that day on the market and subtract the costs. Staff was unclear if lease prices were asked for but informed the Committee that the inclusion of lease prices and sector costs into economic models was being worked on.

A RAP member objected to the analysis done on recreational VTRs in the Western Gulf of Maine (WGOM) closed area; a latitude longitude position was used and it was thought that recreational fishermen do not fish in a single spot for the duration of a trip, nor would they report their prime spot to a public agent. The RAP member was very concerned that if the WGOM closed area was opened then recreational fishermen would no longer have a place to fish.

A GAP member objected to the same gear being used on the trawl survey to estimate the abundance of a flounder and a cod. A flatfish survey had been conducted in the past but it was not immediately evident why it had been discontinued. A Committee member suggested including some commercial fishery data from before the closed areas were implemented in order to figure out what is in those areas before they are reopened. The CATT debated whether to use these data because the species composition of the closed areas may have changed over time.

A Committee member suggested providing the CATT with guidance to narrow their focus, such as spawning closures for gadoids because of a known relationship between spawning behavior and fishing, but was unsure what the goal would be for protecting various life stages. Staff outlined a hypothetical situation of two spawning closures, one offshore and one inshore; if recreational fishing activity was still

occurring in the inshore closure then the offshore closure would be considered to have more benefits. The CATT considers the juvenile life stage to be critical but protection for these life stages is being considered in terms of bottom type and reducing the amount of food or predators. A Committee member thought that if an area was to be closed then no fishing activity should be allowed to occur within that area. This idea was echoed by a GAP member because of the negative impacts on spawning behavior and suggested the move along rule that would sample areas for spawning and if no spawning was observed then the area could open and could close if spawning activity was observed instead of set months.

The Committee moved onto recommendations for specific habitat areas. A Committee member was very concerned about the demise of the catch share program considering the expected devastation of the groundfish fleet in the GOM because of low ACLs in FY 2013. It was suggested that the industry respond and assist the CATT in identifying spawning sites. The current rolling closures appear to work for cod; the CATT had not examined their effectiveness for haddock but staff hypothesized that they may be too large to isolate the protection for haddock but did a good job overall. A Committee member was unclear on what else was needed as the rolling closures were focused in terms of time and area; industry may be unwilling to sacrifice more when faced with low ACLs. Another Committee member thought the rolling closures were too broad and other areas could be considered. A Committee member considered the Committee to be a panel of experts that could identify additional cod spawning areas, such as the Westcott Ledge at the end of June but wanted the CATT to analyze the habitat closed areas that are proposed now and provide those results. Spawning closures could vary spatially and temporally because the fish move after spawning; some of these spawning areas could be outside of the EFH areas. A RAP member hoped that the spawning closures would be adaptive and monitored so as to protect real spawning fish and not theoretical fish. A GAP member requested that the CATT examine Block 138, which is an offshore block that is part of the May rolling closure, because a sector requested an exemption to it that was endorsed by the Council but it has been denied three years in a row based on spawning protection. The GAP member disagreed with the idea of sector managers coming up with spawning closures as his/her job was to manage the quota for the sector.

A GAP member did not think industry should be asked to do more at a time of such low ACLs and suggested placing observers on lobster boats based on anecdotal evidence of them catching up to 1000 lbs. per day of cod hauling pots last year during a herring event off of RI. Considering how low the quotas were getting and the amount of lobster pot effort in the proposed closed areas, it was considered to be important to identify all sources of mortality.

A RAP member thought other fishing activities that don't target cod, such as tuna fishing, should be allowed to continue in these closed areas and provided the NH example as an appropriate model for other spawning closures; certain types of commercial fishing (e.g. rod and reel) in these areas would be OK but was opposed to allowing 80 ft. draggers into an area such as the WGOM closed area because it was driving the recreational fleet further offshore.

Some public comment included:

- Carolyn Woodhead: I just wanted to highlight one of the things that we really try to stress the importance of in our program and it's really pertinent to a lot of the discussions that have happened today and that is the spatial resolution of the data. And the fact that one data point on a VTR per statistical area is not sufficient to make the kind of decisions that this Committee and this Council need to make. I would just encourage people to think more and more about tow by tow data in particularly associated with temperature and depth information that can help us tease out some of these things. I personally don't care, again personally, if you give that information to

NMFS or whether the sectors manage the information but we've got to start looking at that on a much finer scale and making better decisions about where the populations are that need protections or what the distribution is and how that's changing over time in relation to climate change, or what have you. We have to get out of this mindset that people want better management without providing more detailed and better information.

A GAP member informed the Committee about new technology that is used in Norway and explored by SMAST that would install cameras in nets in which the codend remains open providing real-time data.

The Committee Chair asked the Committee about sunset provisions. A GAP member remembered that eighteen years ago the WGOM closure was put in place with a three year sunset provision; once something was closed it seemed to never open again. A Committee member suggested re-examining an area after three years for any changes and if none were evident then re-open it. Staff informed the Committee that the three year provision applies to the DHRAs and not the other habitat areas but for groundfish management it would take longer than three years to detect effects of areas on groundfish populations; an alternative could be to base it on some type of biomass trigger but the format would depend on the intent of the closed area and the species. Staff requested guidance on whether the areas should be permanent or triggered to reopen after realized benefits within a specified time period or based on stock status and re-evaluated. The Council Chair suggested a biomass trigger was preferable to a time limit. A Committee member considered this to be a long-term issue that most current Council members would not be around to deal with and suggested a form of passive monitoring because active monitoring disturb the fish you want to monitor.

A GAP member raised the issue of the constant catch for three years that was on the agenda for January 25th, 2013 in case some GAP members were not able to attend. The catch levels under consideration were the lowest ever seen and maintaining those for three years rather than basing catch off the control rule is highly problematic.

The Council Chair supported the concept of spawning closures that might help mitigate the cuts in ACLs in FY 2013; spawning closures need to be important on their own and that information needs to come forward to assist the CATT. A GAP member thought that the RAP members considered that the WGOM closure should not apply to them. A couple of RAP members responded to this comment. The recreational fishery does have its own fishing restrictions and after the Council removed trip limits allowing larger boats to move inshore the recreational fishery struggled to find fish and has had to go further offshore to find them. The Committee Chair reminded the Committee that the Council has prioritized Amendment 18 to deal with these issues following the disposition of the specifications package. Staff clarified that the Council voted in December, and if approved by NMFS, that eastern strip of the WGOM closed area will be opened and the current discussion is about a longer term project that could result in changes to other closed areas besides them. A RAP member informed the Committee about a lot of confusion in the public regarding the different closed area management actions and how the CATT is involved in both actions.

The Committee drafted a number of Closed Area Recommendations for the Council.

- Spawning closures should be narrowly defined spatially and temporally
- Spawning closures should be designed to be adaptive and responsive to variations in environmental conditions
- Spawning closures should include specific triggers that would allow areas to re-open to fishing
- Fishing by all gears and fleets catching groundfish should be prohibited in spawning closure areas
- CATT should analyze the efficacy of specific blocks of the rolling closure areas

- Groundfish spawning and habitat closures should include provisions for monitoring the resource conditions
- Mortality of groundfish in lobster trap gear should be monitored and assessed.

A Committee member noted that the spawning site fidelity for cod was remarkable. A GAP member requested a timeline for how quickly the NMFS could respond to new data that may suggest opening of a spawning closure. A Committee member said that a mid-season action could be investigated if requested by the Council but the track record for implementing those was poor. A RAP member proposed exploratory fishing in a potential spawning site before closing it to prevent a prohibition from fishing happening in an area where there are no spawners. A Committee member was opposed to including specific triggers that would allow areas to re-open to fishing but the Committee agreed by consensus to keep that bullet.

Public comment included:

- Drew Minkiewicz, Fishery Survival Fund: Just looking for clarification on this bullet point, is it comparable to what we have now for the mortality closures or would this be even more extensive than that?

The Committee discussed what was meant by fishing activities that caught groundfish. A Committee member requested the CATT analyze the impacts of various gear types on spawning activity, e.g. does a scallop dredge that catches groundfish negatively impact haddock spawning, in order to determine what activities should be restricted in closed areas. It was assumed that the same standard would be applied to all fleets.

The CATT is evaluating spawning distribution overall for the Omnibus Habitat Amendment; it is not evaluating existing areas as that was done in Framework 48 and instead is working as if there were no existing closed areas in order to identify areas with the greatest benefit to the fishery with the least cost. A Committee member considered the CATT to be determining whether a large area needed to be closed if the intent was to achieve a discrete goal for a particular species that may allow for a smaller area to be selected.

The final bullet point regarding the mortality of groundfish in lobster pots was considered to be difficult for the CATT to look at and increased observer coverage was thought to be more necessary. A Committee member said that the ASMFC had a shore side observer program and a limited offshore program but funding reductions were affecting the program. Another Committee member questioned whether they could be or were required to take an observer on a lobster vessel. It was suggested that the Council could make it mandatory to have an observer on board in order to access these closed areas that could apply to any vessel regardless of gear. A Committee member further questioned the catching groundfish phrase because it didn't clearly state whether it would include exempted gears that catch less than five percent of groundfish, which depending on the total catch could be a substantial amount of groundfish. A GAP member provided anecdotal evidence of lobster vessels catching large amounts of groundfish that were thought to be eaten by the abundant seals in the area and suggested these additional sources of mortality be identified and measured to more accurately manage the stock. Staff didn't consider this issue to be within the purview of the CATT. A GAP member asked the Committee if having dead fish in a lobster pot could disturb groundfish spawning but an immediate answer was not available. A Committee member considered it to be an important point considering the pots are in the water year round, have increased in abundance and appear to be landing a lot of juvenile cod at certain times of the year where trawl net mesh sizes are too large to catch them.

A member informed the Committee that it's not clear what level of observer coverage is on lobster vessels, if any, and it may be necessary to rely on alternative methods to gather this information, e.g. through research, because additional observer coverage would be difficult because of limited funding. A GAP member informed the Committee that when you baited lobster pots with herring you would catch a number of codfish.

The Committee agreed by consensus to replace the last bullet point regarding mortality of groundfish by lobster gear with the following:

- Monitoring of gears fishing in closed spawning and habitat areas should be required.

Other Business

A Committee member planned to discuss the discard rates during other business on January 25, 2013.

Aaron Dority from Penobscot East requested the Committee task the CATT to analyze a proposal for a closed area in northeastern Gulf of Maine; an area where there is currently little groundfish fishing activity. The area is proposed to protect local juvenile groundfish that are seen in surveys. To ensure any high ground recruitment events that happen can accrue benefits for the larger region. Based on the prevailing currents in the GOM there is a reason to expect that there would be larval transport to the western Gulf of Maine. Another reason is to protect critical habitat for vulnerable groundfish species that include cusk and halibut. Historically there was fishing inshore but observer reported catch showed not much fishing occurred there recently. There is an interesting opportunity here to monitor and potentially provide some protection for groundfish that may rebuild in part because of increased prey base of alewives in the Penobscot River water shed but this relationship has not been researched fully. The Committee was shown a number of slides providing information on stock abundances in the proposed closed area. Mr. Dority was asking for support for the area identified in the presentation. A Committee member found it difficult to task the CATT to analyze the area without seeing the exact lines for the proposed closure. Mr. Dority explained that there is a dedicated habitat research area proposed by the Habitat Committee but this was a proposed groundfish closure. The proposed lines were flexible depending on any analysis completed by the CATT. Mr. Dority explained that the research area was designed to answer specific research questions, some of which were included in the proposed Eastern Maine DHRA, but this would be a unique area that would not be permanent.

A Committee member informed the Committee that fish (pollock, redfish, hake) are taken out of that area by fishermen who may not be from Port Clyde and asked whether this was a proposal to close an area just because there weren't any closed areas in that region. Based on extirpated cod spawning aggregations, a Committee member thought it could be considered with some hesitations. Another Committee member supported the proposal because at least two stocks that could benefit from it were in dire straits.

Mr. Dority considered the cod sampled were from both resident and transient populations. A GAP member had issues that this would close an area with no fish or fishing effort and then reopen it when the fish come back. Staff explained that those spawning areas would reopen to fishing at some point in time but another set of closures would be focusing on habitat for critical life stages. The proposed closure was about forty miles long. A Committee member considered size to be in the eye of the beholder and considered it to be a large area and requested some indication of spawning grounds in the area. A RAP member asked if the proposal was trying to establish a marine protected area in the region; there was concern that if part of the closure was for habitat that it might never open again.

The proposal intended that the area be closed year round but if the CATT determined that was inappropriate then it could be closed seasonally. A GAP member worked with fishermen who catch fish

in the proposed closed area and was very cautious about any closed areas; spawning does not occur year round so a year round enclosure may not be necessary. The GAP member described the process to get into the exemption areas as very difficult and considering the impacts of additional gear (lobster and gill net) on protected species had to be evaluated it might not be possible to reopen an area once it's been closed and was therefore opposed to the proposal. Another GAP member, who fished in the area, had consulted with Mr. Dority on the closure and was not opposed to the area being analyzed as a potential closure but would prefer the line to be moved further north to allow continued fishing on certain bottom type. A GAP member was opposed to closing an area for twenty years in the hopes that fish might return to it.

Motion: That the Committee direct the CATT to analyze a closure in the vicinity of the Eastern Maine DHRA to address cod spawning protection and other groundfish issues. The area should, if appropriate, make use of the DHRA to address groundfish closure objectives. (Mr. Blount/Mr. Goethel).

Some public comment on the motion included:

- James Odlin, New Bedford, MA: I'm opposed to this type of approach. I've been listening to the TRAC, the SARC, the SSC and the peer review for the last few months and all I'm hearing is there might be some kind of regime change going on. I think we ought to figure out if that is the case. Closing this may or may not do anything. We won't know until we figure out if there is a regime change. Secondly, half of that map there is 100 fathoms of water. Last time I saw cod spawn they weren't in 100 fathoms and we are now just restarting a fishery that existed down there for generations and that's the redfish fishery. We just landed trips out of that area catching nothing else but redfish not 100 lbs. of other stuff. So you want to take us off fisheries to put us onto what? We'll go catch codfish. I just don't understand this type of approach at this time without data so I just have to come up and say that I'm opposed to this for that reason. There's hake down there there's pollock down there; it's deep water. One of the arguments is we're going to close it because no one has been fishing there so if no one has been fishing there then why didn't the cod come back there if they're going to come back there. It doesn't make any sense. There's no rationale that makes any possible sense other than the admission that their people don't fish there so we don't mind closing it. If you're trying to look at the tracks that they had up there before I think it was 1994 there was a lot of fishing in that area. Recently there hasn't been but the reason it hadn't been and that gap period was because we were under DAS people weren't steaming that far down there because they didn't want to waste the time so now that we've got some healthy stocks down there we need to let us develop this fishery because it may be the only thing that can save some of this infrastructure and there's a lot of redfish down there.
- Ben Martens: We definitely have fishermen that fish in this area that's being proposed to be closed and we sat down and talked to Aaron about this and the reason why they were willing to take this hit, and they're definitely going to take a hit on this, was to have the analysis done. Also one of the things that Aaron glossed over a little bit was the Penobscot East and other groups in Downeast Maine are doing a lot of work to reopen up rivers to try and bring back herring stocks. What convinced our guys that this might be a worthwhile risk to take on their businesses with the hope that these river herring stocks were going to rebuild in a timely manner to bring forage back into the inshore areas of the Gulf of Maine. I know this is a little more of the ecosystem based management that we're not talking about at the Council right now but that was what was convincing to our fishermen as to why this was something they were willing to take a hit on. I just wanted to bring that up and make sure you were aware that was the justification that they were

really interested in when this discussion took place with Mr. Dority and others in the Penobscot east area.

A Committee member said herring eat the baby cod and advised caution with bringing herring into the area. Another Committee member clarified that the motion was to only analyze the dedicated research area and not the area presented by Mr. Dority. The maker of the motion said that it's in the vicinity of the area but the area, if one is defined, would be established by the CATT based on the analysis. Staff asked for guidance on what happens if, based on the analysis, the DHRA didn't contain high cod abundance; would there be a gain from the closure. A Committee member supported the motion to have the analysis completed because it might highlight an area in the vicinity that may have some cod spawning or no areas may have cod spawning; the Committee can make a decision after the analysis is completed. Another Committee member supported the analysis to be completed and the decision to move forward with an area could be made at a later time.

The motion **carried** on a show of hands (7/2/1).

A GAP member wanted to highlight a few points for the Committee prior to the discussion on SNE winter flounder scheduled to take place on January 25th, 2013. The NEFMC should adopt a similar strategy as the MAFMC and allocate to state entities using similar years used in other allocations while withholding a certain percentage of state allocated landings to account for discards. This would help apportion accountability for discards and potential overages more fairly amongst fishers especially since federal permit holders are usually held more accountable. The GAP member felt that industry was up to the challenge of reducing that number through adopting gear strategies throughout the range of winter flounder to reduce waste on fish they would like to harvest.

The meeting adjourned at 17:09.

Day 2

Discussions were guided by the Draft Framework Adjustment 50 dated January 22, 2013, Groundfish PDT Memo to the Committee dated January 18, 2013, Groundfish PDT Memo to the SSC dated January 16, 2013, Presentation: Omnibus Essential Fish Habitat Amendment 2 Habitat Management Options, Draft Omnibus EFH Amendment 2: Options and alternatives to minimize the effects of fishing on EFH and designate Dedicated Habitat Research Areas dated January 23, 2013, the CATT Progress Report dated January 18, 2013, CATT Progress Report Presentation and a series of correspondence received by the New England Fishery Management Council.

The Regional Administrator (RA) addressed the Committee regarding the Council's request for an interim action for Gulf of Maine (GOM) cod and haddock. Sam Rauch allowed a one year interim action after finding some flexibility in the law. The RA hoped that showed interested parties that the NMFS was willing to identify and implement compromises when possible. When the interim quota was set it was higher than the alternative option and there was a sense of relief; considering the two contrasting assessments, it was thought that with more time and another assessment a resolution might be evident. The fleet had trouble finding cod and the second stock assessment didn't provide any good news. After receiving correspondence from multiple parties, NERO looked hard at those requests for a two year interim action but found that it said 366 days not two years. On legal grounds, NERO denied the request for a two year interim action. The one year interim action didn't produce any desired improvement; it produced more bad news and not just for GOM cod. The rejection of an interim action is partly based on biological reality and the stocks demand reckoning. The situation for GOM haddock is different because that stock is approaching overfishing. A plan is in place that ends overfishing; the request for an interim action substitutes that plan with a reduction of overfishing rather than ending overfishing. More in depth details are provided in the letter, in addition to advice on winter flounder that addresses a request from the Council to adjust the mortality rate; NERO advice is if that happens then the rebuilding plan must be modified. The last issue in the letter addressed carryover. There's an assumption made that ten percent of unused FY 2012 allocations will carryover to 2013. However, as quotas get cut to end overfishing, ten percent of a relatively high quota in year one compared to a low quota in year two becomes a big number and that relatively high percentage is going to violate National Standard 1 (NS1). NERO is trying to figure out how to continue carryover but a final decision has not been made yet but was expected by mid-February. The RA acknowledged the importance of the decision as industry needed to make plans on what could be carried over. The ten percent may be maintained for some stocks but for others it may not be ten percent.

The Committee had a series of questions for the RA. One Committee member was confused by the concept that you can land fish on April 30th but not on May 1st and had repeatedly heard that everything possible would be done to figure out why the fish aren't rebuilding but it was unclear what was being done. The RA said the carryover issue was a matter of law but regarding haddock, out of the quota of 290 mt only 117 mt had been caught to date this year. The Committee member thought that was because the majority of the quota was caught in February and March.

The RA said this used to be a single cause issue but no longer is because of environmental factors that may be causing so many years in a row to have below average recruitment. The Northeast Fisheries Science Center (NEFSC) is trying to figure out the reasons behind this low recruitment. The RA found no solace in the fact that it is not the fault of fishermen because the end result is the same - there aren't any more fish for the fishermen. The difficulty with environmental factors is if temperature is found to be affecting the stocks there is no Fishery Management Plan (FMP) that currently addresses that and how would that be achieved if necessary.

A Committee member wanted to resolve the ten percent carryover issue out of fear of loss of life that results from doing away with carryover. Another Committee member had an issue with the disconnect between the quotas and what fishermen were seeing, with regards to GOM haddock and the large year class entering the fishery next year. The Committee member considered that most discussions centered on NS1 when there were ten National Standards and NS8 (regarding Communities) seemed to be considered to a lesser extent; the state of NH would have no fleet and the fishermen did not qualify for unemployment. A fish resource disaster had been declared and Congress had tried on many occasions to provide economic assistance to New England fishermen. The Committee member suggested the Agency fire 500 people in order to provide disaster funding to fishermen.

A GAP member considered that until NOAA has the resources to look at climate change then more fishery disasters were to come; until we look at the cause this problem is not going to go away and will only get a lot worse. The RA highlighted that a lot of work was being done on climate change by the NEFSC but was unclear on how that was being integrated into stock assessments. The RA is very concerned with acidification and hoped that industry members would provide educational presentations on it.

Some public comment included:

- Jim Odlin: I just have a couple of questions. One is you mentioned, following up a little on what Mr. Goethel said about the aid for the fishermen. Has that ever been included in a budget from the Agency? Has it ever been asked for of Congress from the Agency? I don't think so. The next thing is the carryover. I think the analogy that Terry used is one analogy. The analogy I use on the carryover is if we don't catch the fish in April and we don't catch it until the following February we did good, not bad. It grew and it may have spawned another time so this interpretation of the guidelines, which is what the National Standards are, guidelines, is being too rigid. Secondly, if you're saying this interpretation is the law, again has your Agency ever asked anybody to change the law, to make it workable? You're actually doing damage by forcing us to catch the fish in this year; not only safety damage but damage to the resource. Now that just doesn't make sense. That's not the intent of the law so maybe the Agency should ask somebody to fix the law. I've been in meetings where senators and congressmen have asked the Agency, should we do something about the law and what they get back is a blank stare so I think there's a lot of things the Agency could be doing to fix some of these ridiculous interpretations and/or reading of the law to fix it so that you don't do damage by not carrying over fish. That's just crazy; that's just crazy thinking that a fish that is allowed to grow longer doesn't help. Not only do you not put fishermen at risk you actually could get some biological benefits out of it. If you come back with the ruling I expect to get in February that you're not going to be able to carryover the very stocks we need to carryover then I'm saying there's something wrong with that. You're doing damage not helping; you're doing damage under NS 10 on the safety issue or NS 8 and you're doing biological damage. Why not let the fish live? Why not, if they live six more months isn't that a benefit? To me it's just past common sense. Second point, I want to make, you know there's a lot of talk about regime changes yet we don't change our targets. So we're rebuilding to some place we don't even, I mean nobody remotely thinks we can get there now and if somebody can explain to me how that isn't affecting our rebuilding schedules that we're never going to get to, we need a reality check. We need to look at these things and figure it out fast. If these targets are unattainable sure we'll get less catch to end overfishing but we also won't be trying to rebuild to some place we're never going to get to and that's causing us some problems on Georges Bank (GB), cod for instance, we could have more catch but we're going to somewhere we're never going to get to, probably not in our lifetimes, let alone within the prescribed ten or fifteen year period. I think you need an immediate check on the natural mortality, the targets to see if they're reasonable, species by species. It needs to be done in a short period of time to make the

adjustments that are necessary and that doesn't have to be a full blown assessment. That's just the check on whether these targets are attainable based on the data you have and I'll submit they're not. As far as GOM haddock, I've been saying for a long time that's the choke species now. I don't know how NMFS missed a full year class of haddock coming at these guys in the GOM but it's there. We see it. There's the 2010 year class in the GOM and it's going to come at them so fast that's the choke stock. That will be the end. Not only that there's a huge flow, from my experience which is a long time, of GB haddock that roll into the GOM when you have huge GB stocks. So we have the biggest GB stock of haddock that are about to recruit into the fishery that we've ever recorded so if anybody doesn't think that's not going to spill over into the GOM and cause the problems to get worse. They're not thinking clearly. We're going to isolate this and again the fish don't know the difference between this side of the line and that side of the line. There's going to be GB haddock in the GOM that's going to shut the GOM down and it's the healthiest stock you have. No investigation into that, no discussion. We're supposed to, and I'll go back to it, think outside the box and I've seen very little of that. We're doing the same thing, trying to get to the same place in the same way. It can't be done; at least it can't be done with anybody left standing. I'd like to get this to a question can you guys look into that stuff. Look into putting it in your budget asking for the money to assist these fishermen to survive. Number two, immediately start looking at if these targets are right. That has nothing to do with the numbers you're going to accept next week, it has to do with if we're going to the right place. Anyone who thinks the natural mortality rates are 0.2 that was a plug number from 20 years ago is crazy. I don't think they were 0.2 twenty years ago and I've asked that many times that we investigate that and we come back; the data tells them it should be 0.4 or more. The data tells them that and they come out with 0.2, I don't get it. These tagging studies told them that 0.4 should be the usage but we end up with 0.2. There's something going on down there and I've watched this for a long time and that's just not right. Canadians are using 0.4 to 0.7. It's the same fish, they're on GB. Oh no we're going to plug in 0.2, a plugged number that was plugged twenty years ago. Pick the numbers you're going to pick but you have to address this carryover thing that's damaging the resource; you have to look into asking for the money you need and immediately start an adjustment that can be done in a relatively short term on the targets and the natural mortality rates. You should be able to have a date certain that you want that back to this Council to possibly do an in-season adjustment to these stocks. You could get it done this summer and September vote on some of these things to address the questions that have been brought up by the SSC, by the review panel, by everybody involved except for three or four people that don't want to question it. So you get all that done and adopt the numbers you need to adopt now and have an adjustment as soon as you can get this stuff answered, which would be, it shouldn't take long. It's a crisis so you have to put the resources to that to make that adjustment. I'm just wondering if you could do that.

- Ben Martens, Maine Coast Fishermen's Association: Thank you Mr. Bullard for coming and giving us this information in person. I do think Ms. Raymond and Mr. Odlin said some really important things today. The same side of that though is we have an opportunity at the Council to start talking and thinking about those things and one of the things we could have done was make Ecosystem Based Fisheries Management a priority and we didn't do that. I think that is something we do need to be thinking about. I know that in your discussions with fishermen up and down the coast that people kept bringing up dogfish; we have a lot of predators out there and who knows what that's doing to the ecosystem. What kind of role does forage species have to play? I think some of those discussions maybe we should have been having for a long time and I don't think we should put them on the back burner, especially at this point in time. I also play the role of the sector manager for the Port Clyde sector so looking at this ten percent rollover is a very scary thing for our fishermen. A lot of them made business decisions based on having that ten percent rollover; a lot of them went out and bought fish so they would have that ten percent rollover for

next year. The small boats in the inshore GOM, they're mostly done fishing at this point. So they're done making their business decisions; they're not going to go out and catch that last ten percent, they're sitting on it. While I definitely understand that ten percent of this cut in cod or haddock is a huge number there are other consequences to whatever decisions you guys make along those lines and where we're going to go into the future of these types of decisions if there are other cuts we have to take and if we're not going to have the ten percent this year, next year do we have a ten percent rollover of cod when we're going to have a consistent catch over the next couple of years? Those are a lot of questions that I hope you guys are willing to address and look at into the future and just make sure that our fishermen, when they're making these business decisions about going out and buying allocation or selling allocation or catching allocation, know that they're in a good place. It's really hard in almost at the beginning of February to suddenly tell guys oh those business decisions you made in August that's going to cost you a couple of thousands of dollars or more depending on the size of business or boat. I definitely understand the science side of it and I hope that more than just coming up with an answer on how we're going to deal with cod or haddock right now we can also come up with an answer so I can go to the fishermen that I work for and say this is how we're going to deal with these types of issues in the future as well. So if there's a cut coming we can plan for it and take those things into consideration. I appreciate you coming again and hopefully we'll have some good news on Valentine's Day.

- Vito Giacalone, Northeast Seafood Coalition: Thanks for coming Mr. Bullard and addressing the Council. I want to totally agree with Mr. Odlin, Ms. Raymond and Mr. Martens. But I wanted to hit on some points. Mr. Bullard you had mentioned about how this ecosystem change, or climate change, that we seem to see and how it intersects with the normal assessments and how we're not seeing it. Those don't seem to be issues that aren't brought front and center at the assessments because they are. They're talked about and in fact there's even data that supports it and in fact it even gets to the point where working groups end up with two different models; one using the most recent data for natural mortality and the other sticking with the old plug in number. Even with that data you end up with two models and then someone decided not to calculate the reference points, which means the overfishing definition the B_{MSY} target was not calculated using the model that was accepted, the second model that was accepted to go forward. That means someone chose, made a policy decision for you folks, not to have all the options before you. I think that's a problem; we're tired of watching it happen. You do not have as Council members and as Committee members all the tools put before you and I think that's a real systemic problem that we have and it's time it comes out. We do have a memo in there talking about the F_{MSY} it seems like a complicated idea it seems very appropriate with the control rules to say do we have too much expectation on this resource right now? Do we think the carrying capacity of this system is the same as it was before? Everyone including scientists seems to think no but yet we're clenching to overfishing levels and catch levels that are on the very low side because accepting the fact that the ecosystem doesn't have the productivity might actually allow higher catches on the continuing basis in the short term but we're lowering our long term MSYs in the fishery. Another thing, GOM haddock that people point out too, do we realize we know that there's mixing that happens between stocks even if they are distinct DNA separate stocks. We have 85 million pounds of quota left uncaught, the science believes exists in GB and we're going to have I think a 300 mt in the GOM. They share a 200 mile common east west boundary; there is no geographical barrier there. It intersects all the basins, all the curves, all the contours; how is that possible? Yet we are going to potentially, on paper, bankrupt anyone that wants to fish in the GOM as a result of accepting this as a scientific recommendation; 85 million on this side of the line and 400,000 on that side of the line. I don't think we have to look too far as to why this is broken because we're not allowing ourselves to apply common sense so the reference points that are before you today were not calculated based on the higher M, natural mortality that was shown

in the last 10 years of data and was accepted by the same assessment scientists. So natural mortality does make a big difference in the near term catches. One of these scientific reasons why those catches weren't put forward is because the results would give you higher catches. That was basically the reason why you didn't see it, because it would result in higher catches. We're having a hard time swallowing some of that stuff. On the carryover I think it's important to understand too this is another disconnect in not getting the proper guidance I think and leadership offered to managers is that why are we having control rules of 75% F_{MSY} , that's not in the statute to say you have to be at 75% F_{MSY} but the terms of reference that go to the science basically says we got a maximum of 75% F_{MSY} so give us catch figures based on that, that's an arbitrary twenty-five percent knocked off for uncertainty. We also tell them that we have $F_{rebuild}$ constraints trying to rebuilt reference points that we won't allow to get altered by the latest data and then the ten percent carryover is measured against that already precautionary lower number and we're worried about exceeding it. We shouldn't be doing both. If we're thinking about taking carryover off the table then stop worrying about all the uncertainty and buffers that you've got built into it. I feel like we keep lowering our own targets and shooting ourselves in the foot knowing coming out of the box that we're not going to be able to achieve them. So these are things that we're just seeing time and time again and I think either we're in a disaster. I run a permit bank that's my day job and I've never received more phone calls from gentlemen that have literally thought that they were going to be some of the last guys to be able to make this happen. They've done everything possible to make this work, they've invested repeatedly in the business, they've maintained their boats, they've let their families take a backseat to their fishing businesses and they're calling up and saying it is over. I mean it's people I'm hearing from are the people I would have bet my life never would have been calling and making those serious questions how do I get out. I don't think people really realize and I'm seeing advocacy at the science level and these discussions with people clutching to these certain parameters that they want to argue over. I think that's all well and good but what's coming out of that is a policy result that is not necessarily something that is going to allow you people to manage the fishery. You're managing the results of scientific arguments and what matters is who wins on that side of the fence and now you are left with nothing to work with. The final thing is we do disagree respectfully with the legal arguments made that there's a constraint to not be able to use the emergency action again. We felt that was the only opportunity to get some relief for the industry and I think when you take into consideration all of the things we were playing through the front door we've been trying to get a consultant in there, we're trying to understand what kind of discretion the Council has I think one of the only things you have left is sort of like what Mr. Odlin was saying was look at those control rules and the Council can lead and say we're not going to work at F40%. What that means is, this is my understanding, you're making a decision when you're fishing a stock what percentage of the unfished biomass that we feel as a nation we want to manage the stock sustainably 40% of its unfished biomass, 30% of its biomass as low as 20%, 15% is accepted in some stock assessments. That's a way you can move the whole bar down to what climate seems to be doing. Industry is going to lose in the long run but we have to make a tradeoff. Industry is either out of business now or we start chasing unattainable targets. It's one of two things. You could lower the expectation by taking F40 down to F30 they're using arbitrary proxies and not directly estimating them. That's a policy choice and until you lead that maybe across the board and we're going to take our control rule F40 and we want the science to project everything at F30 or maybe F25. That's your choice. You're not getting a fair shake out of what's coming out of these assessments. We're seeing it firsthand and it's being manipulated and we're not satisfied one bit with what you've being given for tools and you can take control back by saying this is how we're going to manage the fishery. We're going to set the terms of reference and we're not going to be using F40. Hopefully we'll still be here next year to be commenting and not just representing some paper. You correctly are not seeing rebuilding because what you're being shown is the result of an assessment that takes an awful lot of macerations, decisions are being

made on what's being plugged in and what's not being plugged in, so you're seeing the results that can be pessimistic or you could see results that just show that that fish could be fished. An example, the GOM cod range had they run both models all the way through was as high as 4600 mt, 3600 mt even with the shorter time series. None of those numbers are even shown on the table so that's near-term catch shows growth in the stock just not growth to the level that maybe the ten year rebuilding is volunteering us into. So depending on which parameters are plugged in is what you end up seeing. Now the other thing that we've heard a lot in the last year or two is well you're not catching the quota and the catch rates aren't high so there's corroboration that our bad estimates are correct. But that didn't hold true when people were catching their limit in five minutes or ten minutes and even in 2010 the fleet catch rates were huge on we'll say GOM cod. That was instantly dismissed as well fishermen are too good at what they do they have more efficient gear they know where to fish at they have all the technology so you can't go by that by their abundance. As soon as we start catching them we can now corroborate the stock assessment. As laypeople we see these disconnects going on steady. We're being shut down by GOM haddock right now. We just talked about 85 million pounds on one side of the line and 300 on the other. There's nothing in this that's putting the check and balance into it. We're not saying 8000 mt of GOM cod, you know we're not saying 8000 mt of GOM haddock. We're talking about something that makes common sense that's still 4000 mt of GOM cod is a huge reduction from where we were just two years ago; huge reduction and no one manages them and asks science to say that we've shown this stock has collapsed at 4000 mt that they catch, no one has asked that question and no one has produced any assessment to give them that tool to work in that climate. What I'm saying is we feel like we know there's uncertainty, we know there are issues but we're setting ourselves up continuously to fail on paper where we're not really lowering the expectation on the whole resource. We're not saying increase catches. Do we need to shut it down because this is essentially a shutdown. What we have on paper for GB yellowtail flounder is effectively a shutdown. Nobody knows how to wrestle around that this coming year. Catch rates are very high on GB yellowtail flounder right now and guys trying to clean up their quota they can't carryover GB yellowtail flounder. That's the only stock we can't carryover so this is just one holding back the carryover and not acknowledging that we've had all these levels of uncertainty built into our stock assessments for next year, if we're going to get stuck with the poison pill of the low ACLs which we believe has been allowed to get to that level on paper, at least have the carryover acknowledge that there's no concern for the carryover because there's already all kinds of precaution built into 2013 catches. To take the carryover off the table on top of it is just...

A Committee member was concerned after attending the most recent SSC meeting that as scientists we don't know whether a low quota impacts stock health and we're devastating people's lives with quotas that are so low. The Committee member was extremely disappointed that an additional stock assessment was completed resulting in two models, one that takes into account the mortality change from tagging data but they didn't have time to run that model with an adjusted target point. It was suggested that the Agency take steps towards addressing the predator issue and do something with the Marine Mammal Protection Act and increase the quota on dogfish.

A Committee member requested clarification regarding the ten percent carryover not being consistent with new guidance; the guidance concluded that the carryover policy should be revised in a future Council action but it was unclear where that guidance came from. The performance report indicated that the situation is not as dire as has been stated by fishermen at Council meetings. Leasing costs are not included in the report; a Committee member did not want the Agency to conclude that the fishery is in better shape than it is because of the way the report was written was considered to be misleading considering the omission of all forms of costs in the analysis. The RA informed the Committee that his staff had updated figures from when that report was completed and a decline was evident in the most recent six months of data.

A Committee member had a number - 10,000 jobs would be lost by not allowing the interim action to continue for one more year and asked if the Agency had done any economic impact analyses on a number that large. The RA informed the Committee that an economic analysis had not been completed yet but he was well aware of the consequences. However, the interim action last year didn't create any fish nor would another year of the interim action; the consequences will be the same. But the stocks could be rebuilt if the Council was willing to make that decision or we could continue to fish them at levels that will guarantee that they will stay at low levels and destroy people's lives for longer. The Committee member disagreed and didn't believe that the people would come back to the industry after the predicted crash because of the age of the fishery. Industry does not believe the number or the models and therefore didn't accept them; adjustments only seem to go for uncertainty.

The discussion continued regarding the two GOM cod models discussed at the recent SSC meeting. A Committee member did not consider the two models to be comparing the same thing as they were run in such a way as to result in the same reference points, e.g. for the Mramp model they changed the maximum spawning potential from forty to fifty percent and assumed that in 2013 M would return to 0.2 and requested that the models be run with the same numbers to make that comparison.

A Committee member provided an estimate of lease costs for cod; it has been in the eleven to twelve percent range for two years. The lease price can cost the crew approximately two percent in the example provided. The money paid for leasing fish goes to other fishermen. Another Committee member didn't think it was just an economics problem and more emphasis should be put on changes in environmental conditions that had caused changes in the ocean; fishermen have said that they are having trouble finding cod regardless of the quality of the assessment. Young of the year cod in the trawl survey is very high and SNE cod are abundant but not showing up in the survey; those have not been explained yet. The one year interim rule was considered to be a gift but it was a lot of fish to carryover and the Committee should move forward with caution.

The Council Chair questioned whether it was a policy or science decision to determine the level at which we would fish the stocks in comparison to an unfished stock. Staff explained that the law requires management to be based on MSY and that leads to the development of F_{MSY} values. The calculation of F_{MSY} is a scientific question and in some cases a direct estimate of F_{MSY} is calculated when you have confidence in the stock-recruit relationship, e.g. GB winter flounder and SNE/MA winter flounder. When a stock-recruit relationship cannot be determined generally F_{MSY} can't be estimated requiring a proxy to be determined. The terms of reference says to determine the reference point and if the SARC can't calculate F_{MSY} then they can choose another. General Counsel informed the Committee that the law doesn't require the Council to pick one but the Agency and the Council has to decide on what it considers to be the best scientific information available in light of the advice given by scientists, by the SSC and by peer reviews; a particular assumption or proxy could be adopted regardless of the National Standards if it is deemed to be the best available science.

SSC Meeting

Staff briefed the Committee on the FY 2013 – FY 2015 groundfish specifications package. The Committee and Council still had to vote on ABCs for three remaining stocks: GB cod, GOM cod and SNE/MA winter flounder, primarily because of the timing of the benchmark assessments. The SSC reviewed the ABCs at their January 23, 2013 meeting and details are included in the SSC report dated January 29, 2013. For GB cod, there seemed to be an increase in spawning stock biomass (SSB) towards the end of the time series suggesting some rebuilding is occurring. This assessment has a retrospective pattern and the status determination is based on the retrospective adjustment. The SSC adopted the PDT

recommendation of 2,506 mt for GB cod. The US share of GB cod would be about 2000 mt in FY 2013 but the CA and US shares in future years is unknown.

There were two models for GOM cod and accordingly, two potential ABCs, 1,249 mt and 1,550 mt. The SSB differs between the two models earlier in the time series but that difference narrows as they approach the terminal year for the assessment. The SSC seemed to prefer the 1,249 mt for GOM cod but they brought both numbers forward. The SSC recommended an ABC for SNE/MA winter flounder of 1,676 mt.

A Committee member reiterated that he was uncomfortable with the double layer of caution that is implemented when using an F_{MSY} proxy. In light of that double layer of caution, another Committee member questioned the constant harvest strategy under the 1,249 mt instead of taking marginal increases during those three years. Staff informed the Committee that for some models an F_{MSY} value was calculated but not accepted but the reasons why were not immediately available. The F_{MSY} proxy doesn't necessarily mean extra caution; in some cases the F_{MSY} is lower than the $F_{40\%}$ number. The projections used to predict how a stock will respond to fishing mortality have done a poor job to date for groundfish with the possible exceptions of GB haddock and redfish, by overestimating stock growth. This could result in setting catches too high in the future years; the constant catch scenario tries to balance that out.

Staff provided more details on the specifications action and the impact on SNE/MA winter flounder and the rationale for changing the ABC for that stock. At the December 20, 2012 meeting, the Council voted to remove allocations from Framework 48 into a separate specifications package. The Council also decided they wanted to consider changing the strategy for SNE/MA winter flounder. The management strategy revision involved increasing catch and required the modification of the rebuilding plan for that stock. The Council received a letter regarding a lack of progress on rebuilding for that stock and considering the expected low ACLs in FY 2013 the decision was made to modify the rebuilding plan in the specifications package but the accountability measures (AMs) must also be addressed. This has resulted in Framework 50.

The last assessment for SNE/MA winter flounder was in 2011 with the terminal year of the assessment being 2010. The stock was overfished and overfishing was not occurring. The motion made in December, 2012 called for 1,400 mt, which was assumed to be the groundfish sub-ACL. However, a groundfish sub-ACL of 1,400 mt would exceed the overfishing limit (OFL) and is not possible. The proposed plan to rebuild SNE/MA winter flounder by 2023 has a median probability of success. Short term catch advice during the rebuilding period may be reduced below the projection rebuilding catch in order to account for uncertainty in stock projections. The PDT used the projected SSB/Age-1 fish to derive the constant catch approach. This used a stock recruit model that as SSB increases so do recruits that was not approved by an assessment. Instead the PDT relied on the NMFS fall surveys, which showed a dramatic increase in numbers between 2011 and 2012. In the earlier years the model underestimated the observed recruitment and in the later time period they overestimated it. The PDT concluded 1,676 mt was an appropriate ABC that resulted in 1,185 mt for the groundfish sub-ACL. Staff wasn't sure if this was enough for the groundfish fleet to target the stock.

Staff clarified that typically when they deal with the states they estimate the state catch and allocate that as a percentage. A Committee member informed the Committee that Massachusetts increased the trip limit in the GOM for winter flounder because the quota went up and generally tried to match federal regulations. It was not clear what states had the most impacts on the stock. The level of predation the exploding seal population had on the stock was also unknown.

Another Committee member considered the linear relationship between stock size and recruits no longer existed. Staff disagreed but was unsure if NEMAP data were included in the analysis with other state

surveys. The Committee member questioned the validity of the reference point in light of the regime shift. The current management strategy tries to get fishing mortality as low as possible; this would have to be changed to rebuilding by a set time period.

Motion: To adopt an alternative rebuilding strategy to rebuild SNE/MA winter flounder by 2023 with a median probability of success and the short term catch advice during the rebuilding period may be reduced below the rebuilding catch in order to account for uncertainty in the stock projections. (Dr. Pierce/Mr. Alexander).

The Council Chair considered that to be the same as Option 2 included in the document.

Motion as friendly amended: To adopt an alternative rebuilding strategy through FW 50 to rebuild SNEMA winter flounder by 2023 with a median probability of success. Short term catch advice during the rebuilding period may be reduced below the rebuilding catch in order to account for uncertainty in the stock projections. (Dr. Pierce/Mr. Alexander).

Staff explained that because of the meeting order the SSC approved the SNE/MA winter flounder ABC of 1,676 assuming the Council would vote for it. The uncertainty buffer would be reduced to five percent so the groundfish sub-ACL would be 1210 mt. The constant catch strategy is cautious; it's setting the same catch in multiple years instead of increasing with time to the levels the projections would allow.

Some public comment on the motion included:

- Vito Giacalone: I just wanted to point out what we see as an inconsistency. We support the idea of opening up this fishery. But we talk about the uncertainty in the projections that the PDT didn't have any faith in the projections and we understand that but understand that we did accept a ten year rebuilding program instead of extended rebuilding based upon that same projection going out ten years not three, going out ten years estimating zero fishing mortality, which is impossible and we came in under 2023 so therefore you don't get extended rebuilding. We can buy into a ten year rebuilding plan on what is already been identified as a highly suspicious or highly uncertain projection we projected it out ten years and we volunteered to once again a rebuilding program that may or may not be realistic but we're so cautious about those projections that we can't even have three years of projections for catch but they just signed us up for a ten year rebuilding program. I'm having a hard time with that to be honest with you. If we're stuck with ten year rebuilding based on those projections then live with the three years of catch that come out of the projections. It's the constant catch that we don't agree with; being cautious up front and starting with 1676 mt I think that's probably prudent. It still allows enough of a commercial ACL to have the fishery open but I think volunteering to a constant catch based on the PDT caution that they have no faith in the projections while at the same time initiating a FW to start a rebuilding plan that's based on ten years of those same projections I think is inconsistent. Either I would say amend this and buy into the three years of catch stream that that projection shows or question whether you should be extending rebuilding and put that same uncertainty into the rebuilding projection as you did in the catch projections.
- Jim Odlin: I was going to say pretty much the same thing that Mr. Giacalone. I think that it's the Council's decision to determine whether you want a constant catch or a constant F. This proposal I guess the Council is making a decision to go with the constant catch. The question was around whether this would be enough for the industry. We used to catch a lot of SNE winter flounder with some of our boats and I will say this would be the minimum amount that we would think would be worth going from zero possession to a catch. So if it got below that then I don't think it would make much sense. I'm semi-positive to the motion more to the idea of the motion but still

a little worried about as Mr. Giacalone says going from constant catch to constant F because of unreliability in projections and then not taking advantage or analyzing deeply whether we should have a longer rebuilding timeline. It seems like that's causing us a lot of problems. We're trying to get to places in unrealistic timeframes. I think that's leading to, because of the uncertainty in the projections, so I guess I'm semi-positive to this in stating that this is a minimum catch that you need to allocate. It's not my position to answer the question on what the minimum allocation is for the fishery with regards to the objective of getting away from discarding the stock. Some of us that used to be on the Council and I helped us get to zero possession and it did work. There's a minimum number that you need if you turn it into a targeted fishery. In other words what we saw and what we believed at that time is that if you have a small enough number and you direct fisheries you're going to overshoot that. It doesn't matter if you made a trip limit of 100 lbs. or 200 lbs. or 2000 lbs. you're always going to over shoot when you have such a small number so that's why it's kind of just back of the envelope numbers that if you don't have a certain amount then you're not going to hit your target F. We now have evidence that that's true. That's my rationale.

A RAP member was confused as to how this would affect the state water fishery in SNE. A Committee member cautiously supported the motion but considered the Committee was setting itself up for failure by committing to a ten year rebuilding plan based on reference points that weren't realistic. Staff considered the 1,676 mt ABC to be at a level that changes in stock size could be detected. A Committee member asked how they were going to allocate the stock to sectors. Another Committee member supported the motion considering that the groundfish fishery discarded 100 mt last year and since this would allow them to keep an addition 1,100 mt it seemed to help the fishery.

The motion **carried** on a show of hands (9/0/1).

Motion: The Council directs the SSC and NEFSC to look at the appropriate natural mortality and target biomass for the following stocks and report to the Council at the June Council meeting: GOM haddock, GOM cod, GB yellowtail flounder, GB cod, and SNE/MA winter flounder and make a mid-season adjustment if it is available. (Mr. Alexander/Ms. Ramsden).

The Council Chair advised the Committee that the Council cannot direct the Northeast Fisheries Science Center; it can only make a request to the Center.

Motion as friendly amended: The Council directs the SSC and asks the NEFSC to look at the appropriate natural mortality and target biomass for the following stocks and report to the Council at the June Council meeting: GOM haddock, GOM cod, GB yellowtail flounder, GB cod, and SNE/MA winter flounder and make a mid-season adjustment if it is available. (Mr. Alexander/Ms. Ramsden).

Some public comment on the motion included:

- Jud Crawford, Conservation Law Foundation: I'm a little puzzled by this motion and I guess it's because I've spent a lot of time sitting, watching the stock assessment process in Woods Hole, MA and for GOM cod for example the scientists not just from Woods Hole but scientists from Canada and around the world have spent two years back to back doing benchmark assessments looking at these very issues in depth for months at a time. I'm not really sure what you're asking them to do in a few months that hasn't been going on for 2 years and what you expect to come out of it. If I were the science center that would be my response I would say what would you like us to do that we haven't been doing on that stock and some of the other stocks have also been assessed recently. It's easy to overlook if you don't go down there and spend the week at a time

that's involved in a whole series of meetings and then the peer review process to lose sight of the fact that this is thousands of man hours that are going into looking at the very questions each time the stock assessments roll forward. I would question if there was new information that could be brought to bear in these situations. It's just a comment I think that's the response that you'll get from the science center when you ask them.

A RAP member warned the Committee that if the 2012 catch goes into the model they were going to be begging for the 1249 mt quota and to take the 2012 catch out. Staff requested clarification on the motion to identify what the Committee wanted to be adjusted mid-season. The maker of the motion intended for them to be able to adjust the package of allocations that were going to be voted on at this meeting. Staff was unsure that could be completed at the same meeting at which results were reported. A Committee member pointed out that the Council would have to vote up an action to develop the NEPA document associated with it and submit it to the Agency, which usually asks for 6 months from time of submission to time of implementation or an Interim action may have to be considered. Some things could be done to speed up the process but the analysis could not be sped up without having the numbers.

Motion as friendly amended: The Council directs the SSC and asks the NEFSC to look at the appropriate natural mortality and target biomass for the following stocks and report to the Council at the June Council meeting: GOM haddock, GOM cod, GB yellowtail flounder, GB cod, and SNE/MA winter flounder would consider a mid-season adjustment to ACLs as quickly as possible. (Mr. Alexander/Ms. Ramsden).

A Committee member also questioned what new information the science center could provide and exactly what the Council was looking for. The maker of the motion was looking for the appropriate natural mortality to be used for a reference point for an Mramp model. Another Committee member wanted to base any change on temperature because there was a lot of information that indicated that our reference points are no longer realistic and a regime shift has occurred. A Committee member was hesitant to request new information because it was based on the assumption that something better would be provided. Another Committee member didn't think it could get worse than this right now.

The motion was **withdrawn** without objection.

Motion: The Committee recommends the Council to direct the SSC and ask the NEFSC to evaluate whether reference points are realistic in light of current predator/prey relationships and changes in water temperature for the following stocks: GOM haddock, GB yellowtail flounder, GB cod, and SNE/MA winter flounder. (Mr. Goethel/Mr. Kendall.)

Motion as friendly amended: The Committee recommends the Council to direct the SSC and ask the NEFSC to evaluate whether reference points are realistic in light of current predator/prey relationships and changes in environmental conditions for the following stocks: GOM haddock, GB yellowtail flounder, GB cod, and SNE/MA winter flounder. (Mr. Goethel/Mr. Kendall.)

The maker of the motion amended the motion.

Motion: The Committee recommends the Council to direct the SSC and ask the NEFSC to evaluate whether reference points should be changed in light of current predator/prey relationships and changes in environmental conditions for the following stocks: GOM haddock, GB yellowtail flounder, GB cod, and SNE/MA winter flounder. If changes in reference points are needed, those calculations should be made immediately. (Mr. Goethel/Mr. Kendall.)

A Committee member thought it was important to add a deadline.

Motion as friendly amended: The Committee recommends the Council to direct the SSC and ask the NEFSC to evaluate by the June Council meeting whether reference points should be changed in light of current predator/prey relationships and changes in environmental conditions for the following stocks: GOM haddock, GB yellowtail flounder, GB cod, and SNE/MA winter flounder. If changes in reference points are needed, those calculations should be made immediately. (Mr. Goethel/Mr. Kendall.)

The motion **carried** on a show of hands (8/0/2).

Motion: The Committee requests the NEFSC complete calculations by the June Council meeting for the appropriate reference point for the Mramp GOM cod model using an FMSY proxy based on an MSP for F40% and an M=0.4 assumed going forward. (Mr. Goethel/Ms. Ramsden)

A Committee member didn't think with the information available that the Committee was able to compare apples to apples. A GAP member encouraged more Committee and Council members to sit through the stock assessment working group meetings because then it would be clear how much opposition there is to what is proposed in the motion but also supported the motion. A RAP member didn't think the scientists would change their minds and if this doesn't work then the consequences could be worse depending on the results. Staff informed the Committee that the GOM cod catch was at 1800 mt as of January 16, 2012. A Committee member wanted everyone to know that the fishery will be shut down next year for both commercial and recreational fishermen.

The motion **carried** on a show of hands (8/0/2).

Draft FW 50 management measures

Staff provided an overview of the measures in FW 50 that included why the SSC put forward 1249 mt and 1550 mt for GOM cod. Staff explained that the SSC considered a number of reasons (e.g. compliance with ABC control rule) and decided to let the Council decide between the two GOM cod ABC options. A Committee member was concerned about the loss of infrastructure and considering economic analyses conducted by the Massachusetts Division of Marine Fisheries did not think the F_{MSY} proxy should be used for GOM; the F_{MSY} value itself should be used and thought that they were being more conservative than was needed.

Motion: The Committee recommends the Council adopt a constant catch ABC for GOM cod for FY 2013 – 2015 of 1550 mt. (Dr. Pierce/Mr. Cunningham).

A Committee member was very concerned about the range analyzed in the document for GOM cod in case that resulted in being locked into that range. Another Committee member was in favor of the ABC of 1550 mt for GOM cod but was opposed to the constant catch strategy.

Motion as friendly amended: The Committee recommends the Council adopt an ABC for GOM cod for FY 2013 of 1,550 mt. (Dr. Pierce/Mr. Cunningham).

Another Committee member was hesitant to pick a number. The maker of the motion was concerned about the impact on individual fishermen, which because of confidentiality concerns could not be provided to the Committee; average numbers were considered troubling. A Committee member thought the Agency understood the impacts on the industry and were concerned about the overfishing levels associated with this. A Committee member didn't consider the difference between the two numbers to be detrimental to the stock but the extra 300 mt was valuable to the industry.

The motion **carried** on a show of hands (8/0/2).

Motion: To increase the range in GOM cod ABCs from a low of 825 to a high of 4330 mt (Mr. Goethel/Mr. Kendall).

Rationale: If we have a range in here we would be limited to that range in our discussion. If we vote it out then I don't think the Council can change that if they wanted to. More specifically I wanted to read a fairly extensive statement into the record so we can have this discussion at the Council meeting. That information comes from a document that was forwarded to the Council from Dr. Butterworth in early January as part of aspects of these two models. The council could still pick a number but my feeling is until the council makes that policy choice of whether it was to stick with F40%.

The Council Chair asked staff if there was any meaning to having the range of numbers in the document. Staff explained that in light of the motion to put forward the 1550 mt ABC it might not be needed unless the Council decided to choose a number different to the Committee recommendation. The Council Chair was not sure how retaining these numbers means any more than just having numbers on a page. The maker of the motion wanted some legal assurance that by not including a particular number at this stage that it didn't preclude Council discussion. A Committee member thought that some of the discussion at the risk policy workshop in March, 2012 would include the risk of using F30% or F40%. A Committee member informed the Committee that the SSC voted up two different numbers that was the best scientific information available and did not think it was possible to propose an ABC for GOM cod that was higher than 1550 mt. Another Committee member said the SSC had some discussion of various Fs and considered it to be a policy choice for the Council. NOAA General Counsel informed the Committee that the statute prohibits the Council from establishing an ABC higher than that recommended by the SSC. A Committee member didn't want the hands of the Council to be tied. Another Committee member agreed that their hands were tied unless the Council made a policy decision to change from F40% to F30% and sent it back to the SSC but the SSC said there was no basis for changing the F.

The motion **carried** on a show of hands (6/1/3).

Motion: The Committee recommends the Council adopt an ABC of 2,506 mt for GB cod for FY 2013. (Mr. Goethel/Ms. Ramsden).

Staff explained that the 500 mt for Canada came from the Resource Sharing Agreement.

The motion **carried** on a show of hands (8/0/1).

Motion: The Committee recommends an ABC for SNEMA winter flounder of 1,676 for FY 2013. (Mr. Goethel/Mr. Alexander).

The motion **carried** on a show of hands (9/0/1).

Staff directed the Committee to the Commercial and recreational fishing measures alternative as they were looking for a preferred alternative for SNE/MA winter flounder landing restrictions.

Motion: The Committee recommends Option 2 Section 4.2.1.2 Landing of SNEMA winter flounder permitted as the preferred alternative. (Mr. Cunningham/Ms. Ramsden).

The motion **carried** on a show of hands (9/0/1).

Staff outlined the alternatives for winter flounder AMs that were needed for sectors and common pool vessels and included an area-based AM for the Common pool vessels.

Motion: to adopt as the preferred alternative Option 2 Section 4.2.2.2 Revised AM for SNEMA winter flounder (Mr. Goethel/Mr. Kendall).

A Committee requested the timeline for publishing quotas for sector and common pool quotas for fishermen to decide what to join. A Committee member informed the Committee that the Agency try to include those in the final rule which should come out before the beginning of fishing year but the proposed rule would be published in March could provide some indication for fishermen. Another Committee member requested that either the sector deadline be extended or for the rules for sectors and common pool to be published now so individuals could make the decision on what to join. Staff informed the Committee that the AM for the common pool is a trimester TAC and if it is exceeded you can't fish in the GOM. The Committee member thought considering the situation the common pool might be more attractive.

The motion **carried** on a show of hands (9/0/1).

Motion: To initiate FW 50 to accommodate the revised rebuilding plan for SNE/MA winter flounder and ABCs (Mr. Alexander/Mr. Cunningham).

The motion **carried** on a show of hands (10/0/1).

A Committee member informed the Committee that an end to end review on groundfish stock assessments will be conducted in a collaborative way at the NEFSC to assist the Council and Center to address many of the issues raised about the assessments; three workshops were planned. A Committee member discussed a letter submitted regarding the assumed discard rate used and highlighted that the transition discard rate in FY 2013 will be higher than many fishermen's PSC – so the fishermen will be out of fish once they untie their boats from the dock. Another Committee member requested detailed information from the Agency on the number of fishermen affected by this. Staff were concerned that this could not be completed by the next groundfish meeting but the Committee member was content if the data were available sometime in February 2013 or before May 2013 because it was essential information for the Council.

The meeting adjourned at 15:25 pm.