New England Fishery Management Council

Groundfish Advisory Panel

Meeting by Webinar September 21, 2020

DRAFT Meeting Motions

Amendment 23/Groundfish Monitoring

Motion 1: Goethel/Odell

Move that the Groundfish Advisory Panel recommends to the Groundfish Committee the following statement and communicate it to the Groundfish Committee and to the full Council:

Inherent to National Standard 2 (best available) is that some level of scientific uncertainty is acceptable. That is in part because we don't (can't) count every fish in the sea - i.e. we cannot perform a census of stock biomass, we don't/can't census recruitment, we don't measure the growth of every fish, we don't/can't count every natural mortality. We perform estimates. The entire body of fishery science is based on estimates with some level of acceptable uncertainty. So, why would that not be the same for discards (fishing mortality)?

Rationale: In Magnuson, there is no mandate to census anything in terms of scientific data. There are instead 'performance standards' such as for bycatch. To the extent discards are regulatory discards they fall under MSA bycatch definition. NS 9 requires us to minimize bycatch/bycatch mortality - to the extent practicable. Same in sec. 303(a)(11) - (Required Provisions of FMPs) - to establish a "methodology" (SBRM) to "assess the amount and type of bycatch" - to the extent practicable. Inherent in these provisions is a degree of subjectivity - and a wide-open door to measuring (assessing) bycatch through sampling methodologies.

Roll-call vote on Motion 1:

Ben Martens (Chair)	-
Jackie Odell (Vice Chair)	Yes
Bonnie Brady	Yes
Gib Brogan	No
Cassie Canastra	Yes
David Goethel	Yes
Nick Muto	Yes
Paul Parker	Absent
Maggie Raymond	Yes
Geoffrey Smith	No
Hank Soule	Abstain

Motion 1 carried 6/2/1.

Motion 2: Smith/Brogan

The Groundfish Advisors support moving to a fixed rate for the ASM target coverage rate.

Motion 3 to substitute: Raymond/Soule

The Groundfish Advisory Panel requests that the Groundfish Committee recommend an annual target fixed monitoring coverage rate based on a percentage of trips 4.1.1.2 (Sector Monitoring Standard Option 2: Fixed Total At-Sea Target Monitoring Coverage Level Based on a Percentage of Trips) combined with adoption of 4.4.2.1 Funding Provisions (Option 2 - Provisions for an Increase or Decrease in Funding for the Groundfish Monitoring) Sub-Option 2A (Higher Monitoring Coverage Levels if NMFS Funds are Available (Sectors)) and Sub-Option 2B (Waivers from Monitoring Requirements Allowed (Sectors and Common Pool)). The fixed coverage rate selected should be one that does not threaten the continued viability and diversity of the industry.

Rationale: The DEIS does not provide analysis of how the alternatives at 4.1.1.2 (25-50-75-100%) meet the purpose and need (improve accounting and accuracy of catch reporting), or how each alternative meets the Council's intent that the catch reporting requirements are fair and equitable for all commercial groundfish fishermen, while maximizing the value of collected catch data, and minimizing costs for the fishing industry and the National Marine Fisheries Service, and therefore cannot be used to rationalize the selection of one of these alternatives. A fixed reasonable coverage rate will provide certainty to the industry in planning future expense, remove administrative challenges of the previous SBRM/CV annual calculation approach, and provide a firm measurable metric to evaluate the program against in future years. Adoption of 4.4.2.1 allows for additional monitoring above the fixed rate, so long as federal funds are available.

Roll-call vote on **Motion 3** to substitute:

Ben Martens (Chair) Jackie Odell (Vice Chair) Yes Bonnie Brady Yes Gib Brogan No Cassie Canastra Yes David Goethel Yes Nick Muto No Paul Parker Absent Maggie Raymond Yes Geoffrey Smith No Hank Soule Yes

Motion 3 *carried* 6/3/0

Motion 4: Motion 3 as the main motion

The Groundfish Advisory Panel requests that the Groundfish Committee recommend an annual target fixed monitoring coverage rate based on a percentage of trips 4.1.1.2 (Sector Monitoring Standard Option 2: Fixed Total At-Sea Target Monitoring Coverage Level Based on a Percentage of Trips) combined with adoption of 4.4.2.1 Funding Provisions (Option 2 - Provisions for an Increase or Decrease in Funding for the Groundfish Monitoring) Sub-Option 2A (Higher Monitoring Coverage Levels if NMFS Funds are Available (Sectors)) and Sub-Option 2B (Waivers from Monitoring Requirements Allowed (Sectors and Common Pool)). The fixed coverage rate selected should be one that does not threaten the continued viability and diversity of the industry.

Motion 5 to table Motion 4: Odell/Muto

Roll-call vote on **Motion 5** to table:

Ben Martens (Chair)	-
Jackie Odell (Vice Chair)	Yes
Bonnie Brady	Yes
Gib Brogan	No
Cassie Canastra	Yes
David Goethel	Yes
Nick Muto	Yes
Paul Parker	Absent
Maggie Raymond	Yes
Geoffrey Smith	Yes
Hank Soule	Yes

Motion 5 carried 8/1/0.

Motion 6: Odell/Muto

The Groundfish Advisory Panel recommends that the Groundfish Committee recommends to the full Council that the Amendment 23 DEIS be remanded back to the Groundfish Committee (and Groundfish Plan Development Team) in order to reevaluate the alternatives in connection to the stated purpose and need and goals and objectives of the action.

Rationale: The DEIS for Amendment 23 does not reasonably compare the proposed alternatives to Status Quo or each other related to the defined Purpose and Need, as required by NEPA. The analysis focuses on reductions in fishing mortality and enforceability and compliance, rather than the stated purpose of improving reliability and accountability of catch reporting. The Impact

Analysis does not, with any level of certainty, determine the biological or social and economic impacts of the proposed alternatives in relation to this purpose. Additionally, the impact analysis does not assess the alternatives in relation to maximizing value of data and minimizing costs. The alternatives and analyses do not clearly describe how the value of data could be maximized compared to status quo, and the proposed target coverage levels are not assessed in relation to the action's objective to "achieve coverage level sufficient to minimize effects of potential monitoring bias to the extent possible while maintaining as much flexibility as possible to enhance fleet viability."

Roll-call vote on Motion 6:

Ben Martens (Chair) Jackie Odell (Vice Chair) Yes Bonnie Brady Yes Gib Brogan No Cassie Canastra Yes David Goethel Yes Nick Muto Yes Paul Parker Absent Maggie Raymond Yes Geoffrey Smith No Hank Soule Yes

Motion 6 carried 7/2/0.

Motion 7: Odell/Muto to "untable" Motion 4 for discussion

The Groundfish Advisory Panel requests that the Groundfish Committee recommend an annual target fixed monitoring coverage rate based on a percentage of trips 4.1.1.2 (Sector Monitoring Standard Option 2: Fixed Total At-Sea Target Monitoring Coverage Level Based on a Percentage of Trips) combined with adoption of 4.4.2.1 Funding Provisions (Option 2 - Provisions for an Increase or Decrease in Funding for the Groundfish Monitoring) Sub-Option 2A (Higher Monitoring Coverage Levels if NMFS Funds are Available (Sectors)) and Sub-Option 2B (Waivers from Monitoring Requirements Allowed (Sectors and Common Pool)). The fixed coverage rate selected should be one that does not threaten the continued viability and diversity of the industry.

Roll-call vote on Motion 7 to "untable":

Ben Martens (Chair)

Jackie Odell (Vice Chair)

Bonnie Brady

Gib Brogan

Cassie Canastra

Yes

Yes

David Goethel Yes
Nick Muto Yes
Paul Parker Absent
Maggie Raymond Yes
Geoffrey Smith Yes
Hank Soule Yes

Motion 7 carried 9/0/0.

Motion 8

The Groundfish Advisory Panel requests that the Groundfish Committee recommend an annual target fixed monitoring coverage rate based on a percentage of trips 4.1.1.2 (Sector Monitoring Standard Option 2: Fixed Total At-Sea Target Monitoring Coverage Level Based on a Percentage of Trips) combined with adoption of 4.4.2.1 Funding Provisions (Option 2 - Provisions for an Increase or Decrease in Funding for the Groundfish Monitoring) Sub-Option 2A (Higher Monitoring Coverage Levels if NMFS Funds are Available (Sectors)) and Sub-Option 2B (Waivers from Monitoring Requirements Allowed (Sectors and Common Pool)). The fixed coverage rate selected should be one that does not threaten the continued viability and diversity of the industry.

Roll-call vote on Motion 8:

Ben Martens (Chair) Jackie Odell (Vice Chair) Yes **Bonnie Brady** Yes Gib Brogan No Cassie Canastra Yes David Goethel Yes Nick Muto Yes Paul Parker Absent Maggie Raymond Yes Geoffrey Smith No Hank Soule Yes

Motion 8 carried 7/2/0.

Motion 9: Smith/Muto

The Groundfish Advisory Panel recommends to the Groundfish Committee electronic monitoring audit-based and maximized retention options as tools for monitoring the fishery

In 4.1.2 Sector Monitoring Tools (Options for meeting monitoring standards):

- 4.1.2.2 Sector Monitoring Tools Option 2 Audit Model Electronic Monitoring Option and
- 4.1.2.3 Sector Monitoring Tools Option 3 Maximized Retention Electronic Monitoring Option

Motion 10 to amend Motion 9: Raymond/Soule

The Groundfish Advisory Panel recommends to the Groundfish Committee electronic monitoring audit-based and maximized retention options as tools for monitoring the fishery. The Maximum Retention electronic model is not currently approved, and it is unknown when it will be approvable.

- In 4.1.2 Sector Monitoring Tools (Options for meeting monitoring standards):
 - 4.1.2.2 Sector Monitoring Tools Option 2 Audit Model Electronic Monitoring Option and
 - 4.1.2.3 Sector Monitoring Tools Option 3 Maximized Retention Electronic Monitoring Option

Roll-call vote on Motion 10 to amend:

Ben Martens (Chair)	-
Jackie Odell (Vice Chair)	Yes
Bonnie Brady	Yes
Gib Brogan	Yes
Cassie Canastra	Yes
David Goethel	Yes
Nick Muto	Yes
Paul Parker	Absent
Maggie Raymond	Yes
Geoffrey Smith	Yes
Hank Soule	Yes

Motion 10 *carried* 9/0/0.

Motion 11 as the main motion:

The Groundfish Advisory Panel recommends to the Groundfish Committee electronic monitoring audit-based and maximized retention options as tools for monitoring the fishery. The Maximum Retention electronic model is not currently approved, and it is unknown when it will be approvable.

In 4.1.2 Sector Monitoring Tools (Options for meeting monitoring standards):

- 4.1.2.2 Sector Monitoring Tools Option 2 Audit Model Electronic Monitoring Option and
- 4.1.2.3 Sector Monitoring Tools Option 3 Maximized Retention Electronic Monitoring Option

Roll-call vote on Motion 11:

Ben Martens (Chair) Jackie Odell (Vice Chair) Yes Bonnie Brady Yes Gib Brogan Yes Cassie Canastra Yes David Goethel Yes Nick Muto Yes Paul Parker Absent Maggie Raymond Yes Geoffrey Smith Yes Hank Soule Yes

Motion 11 *carried* 9/0/0.

Motion 12: Goethel/Canastra

The Groundfish Advisory Panel recommends Section 4.1.5 (Addition to List of Framework Items) to the Groundfish Committee.

Roll-call vote on Motion 12:

Ben Martens (Chair) Jackie Odell (Vice Chair) Yes Bonnie Brady Yes Gib Brogan No Cassie Canastra Yes David Goethel Yes Nick Muto Yes Paul Parker Absent Maggie Raymond Yes Geoffrey Smith No Hank Soule Yes

Motion 12 *carried* 7/2/0.

Motion 13: Brady/Muto

The GAP supports the Council's preliminary preferred in Section 4.6 (Remove commercial groundfish monitoring requirements for certain vessels fishing under certain conditions)

[add summary Council's preferred with section reference]

Roll-call vote on Motion 13:

Ben Martens (Chair)	-
Jackie Odell (Vice Chair)	Abstain
Bonnie Brady	Yes
Gib Brogan	No
Cassie Canastra	Yes
David Goethel	Yes
Nick Muto	Yes
Paul Parker	Absent
Maggie Raymond	No
Geoffrey Smith	No
Hank Soule	Abstain

Motion 13 *carried* 4/3/2.

Motion 14: Smith/Raymond

The Groundfish Advisory Panel recommends that the Groundfish Committee support in 4.1.4 Review Process for Sector Monitoring Coverage:

4.1.4.2 Coverage Review Process Option 2: Establish a Review Process for Monitoring Coverage Rates

And the Groundfish Advisory Panel also recommends to the Groundfish Committee that the Council also establish as a priority for 2021 to develop the metrics to be used in the review process.

Roll-call vote on Motion 14:

Ben Martens (Chair)	_
Jackie Odell (Vice Chair)	Yes
Bonnie Brady	Yes
Gib Brogan	Yes
Cassie Canastra	Yes
David Goethel	Yes
Nick Muto	Yes
Paul Parker	Absent
Maggie Raymond	Yes

Geoffrey Smith Yes Hank Soule Yes

Motion 14 *carried* 9/0/0.

Motion 15: Goethel/Brady

The Groundfish Advisory Panel supports the Council's preliminary preferred alternative of No Action (4.2.1.1) in the Dockside Monitoring Program section (4.2.1)

Roll-call vote on Motion 15:

Ben Martens (Chair) -

Jackie Odell (Vice Chair) Abstain Bonnie Brady Yes Gib Brogan Yes Cassie Canastra Abstain David Goethel Yes Nick Muto No Paul Parker Absent Maggie Raymond No Geoffrey Smith Abstain Hank Soule Abstain

Motion 15 *carried* 3/2/4.

Motion 16: Odell/Canastra

The GAP recommends that the GF Committee recommends to the full Council that the A23 DEIS be remanded back to the Committee (PDT) to address the following omissions of the biological and economic analyses:

- 1) identify the magnitude or frequency of actual discards, as specified by the SSC peer review, in an open transparent deliberative forum. Such analyses should consider all stocks in the groundfish complex.
- 2) identify and quantify potential impacts of other sources of uncertainty that affect fishing mortality estimates, stock assessments and management of groundfish stocks. Such analyses should consider all stocks in the groundfish complex.
- 3) Provide a clear and detailed discussion of the assumptions and economic theory (including factors that would result in increased quantity of fish delivered and/or increased ex-vessel prices)

that would result in ex-vessel gross revenue increasing as a result of increasing monitoring coverage.

- i. The discussion should consider the under-harvests of species.
- ii. Other species that are substitutes.
- iii. How the assumed illegal discards (unreported catches) of constraining stocks may be used to increase landings on unobserved trips.
- iv. How accounting for all the assumed, unreported catches of constraining species results in increased gross revenue. For instance, if the constraining species are more limiting because all catch of those species is accounted for and deducted from the total available (through increased monitoring coverage levels), how can the fleets use less of the constraining species in their fishing operations and maintain or increase current catch levels of other species that are landed?
- v. whether vessel operators, by category, are projected to remain viable as a result of those economic and social impacts, when federal funding is available and when it is not.

vi. ex-vessel revenue in comparison with net revenue estimates that factors in other expenses as identified by the industry during DEIS public comment period.

vii. reconsider EM costs in accordance to approvable standards by the Agency and a realistic timeline of max retention EM approval by the Agency for sector operations plans.

4)

Management uncertainty buffer relief

- Largely an illusion as its purported increases in ACE 'in return for' 100% monitoring are nowhere near guaranteed.
- Value of increased ACE catch is likely overstated.

Cost effectiveness

- No cost-effectiveness quantification of higher rates of monitoring (vs. value of information obtained).
- No cost-effectiveness quantification of various video review rates under EM.

Cost estimates

- EM cost estimates inaccurate because some EM programs not yet operational/approved (should not yet be included)
- No analysis of phased-in increases in monitoring rates GARFO RA says would be necessary under preferred alternative (e.g., until the preferred 100% target was met, there could be no relief from buffers)

Missed analysis

- DEIS does not analyze fixed coverage alternatives (25/50/75/100) vs. purpose/need of A23.
- DEIS fails to provide traditional breakeven analysis/impacts on vessel size classes and ports.

Motion 17: Brogan/Soule

Motion to split **Motion 16** into 4 sections and motions, by the numbered sections 1-4.

Roll-call vote on Motion 17 to split:

Ben Martens (Chair) Yes Jackie Odell (Vice Chair) No Bonnie Brady Abstain Gib Brogan Yes Cassie Canastra No David Goethel No Nick Muto No Paul Parker Absent Maggie Raymond Yes Geoffrey Smith Yes Hank Soule Yes

Motion 17 *carried* 5/4/1.

Motion 18

The GAP recommends that the GF Committee recommends to the full Council that the A 23 DEIS be remanded back to the Committee (PDT) to address the following omissions of the biological and economic analyses:

1.) identify the magnitude or frequency of actual discards, as specified by the SSC peer review, in an open - transparent – deliberative forum. Such analyses should consider all stocks in the groundfish complex.

Roll-call vote on Motion 18:

Ben Martens (Chair) Jackie Odell (Vice Chair) Yes Bonnie Brady Yes Gib Brogan No Cassie Canastra Yes David Goethel Yes Nick Muto Abstain Paul Parker Absent Maggie Raymond Yes Geoffrey Smith No Hank Soule Yes

Motion 18 *carried* 6/2/1.

Motion 19

The GAP recommends that the GF Committee recommends to the full Council that the A 23 DEIS be remanded back to the Committee (PDT) to address the following omissions of the biological and economic analyses:

2.) identify and quantify potential impacts of other sources of uncertainty that affect fishing mortality estimates, stock assessments and management of groundfish stocks. Such analyses should consider all stocks in the groundfish complex.

Roll-call vote on **Motion 19**:

D M (Cl.:)	
Ben Martens (Chair)	-
Jackie Odell (Vice Chair)	Yes
Bonnie Brady	Yes
Gib Brogan	No
Cassie Canastra	Yes
David Goethel	Yes
Nick Muto	Abstain
Paul Parker	Absent
Maggie Raymond	Yes
Geoffrey Smith	No
Hank Soule	No

Motion 19 carried 5/3/1

Motion 20

The GAP recommends that the GF Committee recommends to the full Council that the A23 DEIS be remanded back to the Committee (PDT) to address the following omissions of the biological and economic analyses:

- 3) Provide a clear and detailed discussion of the assumptions and economic theory (including factors that would result in increased quantity of fish delivered and/or increased ex-vessel prices) that would result in ex-vessel gross revenue increasing as a result of increasing monitoring coverage.
- i. The discussion should consider the under-harvests of species.
- ii. Other species that are substitutes.
- iii. How the assumed illegal discards (unreported catches) of constraining stocks may be used to increase landings on unobserved trips.
- iv. How accounting for all the assumed, unreported catches of constraining species results in increased gross revenue. For instance, if the constraining species are more limiting because all catch of those species is accounted for and deducted from the total available (through increased

monitoring coverage levels), how can the fleets use less of the constraining species in their fishing operations and maintain or increase current catch levels of other species that are landed?

v. whether vessel operators, by category, are projected to remain viable as a result of those economic and social impacts, when federal funding is available and when it is not.

vi. ex-vessel revenue in comparison with net revenue estimates that factors in other expenses as identified by the industry during DEIS public comment period.

vii. reconsider EM costs in accordance to approvable standards by the Agency and a realistic timeline of max retention EM approval by the Agency for sector operations plans.

Roll-call vote on Motion 20:

Ben Martens (Chair) Jackie Odell (Vice Chair) Yes Bonnie Brady Yes Gib Brogan No Cassie Canastra Yes David Goethel Yes Nick Muto No Paul Parker Absent Maggie Raymond Yes Geoffrey Smith No Hank Soule Yes

Motion 20 carried 6/3/0

Motion 21

The GAP recommends that the GF Committee recommends to the full Council that the A 23 DEIS be remanded back to the Committee (PDT) to address the following omissions of the biological and economic analyses:

4)

Management uncertainty buffer relief

- Largely an illusion as its purported increases in ACE 'in return for' 100% monitoring are nowhere near guaranteed.
- Value of increased ACE catch is likely overstated.

Cost effectiveness

- No cost-effectiveness quantification of higher rates of monitoring (vs. value of information obtained).
- No cost-effectiveness quantification of various video review rates under EM.

Cost estimates

- EM cost estimates inaccurate because some EM programs not yet operational/approved (should not yet be included)
- No analysis of phased-in increases in monitoring rates GARFO RA says would be necessary under preferred alternative (e.g., until the preferred 100% target was met, there could be no relief from buffers)

Missed analysis

- DEIS does not analyze fixed coverage alternatives (25/50/75/100) vs. purpose/need of A23.
- DEIS fails to provide traditional breakeven analysis/impacts on vessel size classes and ports.

Consensus Statement 1

To remove the "management uncertainty buffer relief" section, by consensus and without objection.

Motion 22

The GAP recommends that the GF Committee recommends to the full Council that the A 23 DEIS be remanded back to the Committee (PDT) to address the following omissions of the biological and economic analyses:

Cost effectiveness

- No cost-effectiveness quantification of higher rates of monitoring (vs. value of information obtained).
- No cost-effectiveness quantification of various video review rates under EM.

Cost estimates

- EM cost estimates inaccurate because some EM programs not yet operational/approved (should not yet be included)
- No analysis of phased-in increases in monitoring rates GARFO RA says would be necessary under preferred alternative (e.g., until the preferred 100% target was met, there could be no relief from buffers)

Missed analysis

- DEIS does not analyze fixed coverage alternatives (25/50/75/100) vs. purpose/need of A23.
- DEIS fails to provide traditional breakeven analysis/impacts on vessel size classes and ports.

Roll-call vote on Motion 22:

Ben Martens (Chair)

Jackie Odell (Vice Chair)

Bonnie Brady

Yes

Gib Brogan No Cassie Canastra Yes David Goethel Yes Nick Muto Yes Paul Parker Absent Maggie Raymond Yes Geoffrey Smith No Hank Soule Yes

Motion 22 carried 7/2/0

Motion 23: Soule/Brady

The GAP recommends to the Groundfish Committee that the PDT recalculate the FY2018 fleetwide operating profit model, accounting for estimates of unreported GOM cod discards that year as contained in the DEIS.

Rationale: The fleetwide operating profit model as presented on slide 20 of the public hearing presentation document compares FY 2018's status quo or No Action, gross revenues which are projected to have been realized under various monitoring alternatives. The blended alternative is projected to have realized a net increase of about \$0.2 million to gross revenues.

However, elsewhere the DEIS projects hundreds of tons of GOM cod catch was not reported in that year. If the Blended model did not incorporate the effects of that additional catch, it does not accurately capture the likely early termination of fishing in the GOM, or massive displacement of fishing effort that would have occurred.

Roll-call vote on Motion 23:

Ben Martens (Chair) Jackie Odell (Vice Chair) Yes Bonnie Brady Yes Gib Brogan Abstain Cassie Canastra Yes David Goethel Yes Nick Muto Abstain Paul Parker Absent Maggie Raymond Yes Geoffrey Smith No Hank Soule Yes

Motion 23 *carried* 6/1/2.

Motion 24: Goethel/Soule

The Groundfish Advisory Panel recommends to the Groundfish Committee that analysis be performed on the biological costs to species that are released alive on unobserved trips by monitoring coverage alternatives for coverage options.

Roll-call vote on Motion 24:

Ben Martens (Chair) Jackie Odell (Vice Chair) Yes Bonnie Brady Yes Gib Brogan Yes Cassie Canastra Yes David Goethel Yes Nick Muto Yes Paul Parker Absent Maggie Raymond Abstain Geoffrey Smith Abstain Hank Soule Yes

Motion 24 *carried* 7/0/2.

Catch Share Review - Next Phase

Motion 25: Raymond/Brady

The GAP recommends that the Committee recommend to the Council that the next phase of catch share review include a thorough examination of the self-management aspects of the sector system, and describe the trends in vessels that have not left the system, but instead have become no longer active.

Roll-call vote on Motion 25:

Ben Martens (Chair) Yes
Jackie Odell (Vice Chair) Yes
Bonnie Brady Yes

Gib Brogan out of room Cassie Canastra out of room David Goethel out of room Nick Muto out of room Paul Parker Absent Maggie Raymond Yes Geoffrey Smith Yes Hank Soule Yes

Motion 25 *carried* 6/0/0.