



## New England Fishery Management Council

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# MEETING SUMMARY

## Groundfish Oversight Committee

Hampton Inn and Suites, Warwick, RI

June 9, 2014

The Groundfish Oversight Committee (Committee) met on June 9, 2014 in Warwick, RI to: 1) continue development of Framework Adjustment 52 (FW52) that would revise commercial groundfish accountability measures (AMs) for Southern and Northern windowpane flounder stocks 2) continue development of Amendment 18 (A18) – Fleet Diversity and Accumulation Limits and, 3) to discuss the possible scope of Framework Adjustment 53 (FW53).

**MEETING ATTENDANCE:** Mr. Frank Blount (Chairman), Dr. David Pierce (Vice Chair), Mr. Terry Alexander, Mr. Vincent Balzano, Mr. Tom Dempsey, Mr. Peter Kendall, Mr. Howard King, Ms. Susan Murphy, Dr. Matthew McKenzie, Ms. Laurie Nolan and Ms. Laura Ramsden; Ms. Jackie Odell (GAP Vice Chair); Dr. Jamie Cournane, Ms. Rachel Feeney, Dr. Fiona Hogan (NEFMC); Ms. Sarah Heil, Mr. Michael Ruccio, Dr. William Whitmore (NMFS GARFO); Mr. Paul Nitschke (NEFSC); Mr. Mitch MacDonald (NOAA General Counsel). In addition, approximately 15 members of the public attended.

**DOCUMENTATION:** Discussions were aided by: PDT memo to OSC dated June 2, 2014, Draft Framework Adjustment 52 with Appendix I dated June 2, 2014, Addendum to FW52 (including economic impact analysis), FW52 Committee Decision Document dated June 2, 2014, PDT memo regarding GOM cod in SRA 514 dated April 16, 2014, Draft Amendment 18 Discussion Document dated June 2, Groundfish Committee meeting summary dated March 28, 2014, Groundfish Committee meeting summary dated April 4, 2014, GAP meeting summary dated April 1, 2014, and a series of correspondence received by the Council.

### **KEY OUTCOMES:**

- The Committee selected preferred alternatives for FW52 for approval by the Council.
- The Committee recommended modifications to some alternatives in A18 and requested the PDT develop a range of alternatives for establishing an inshore/offshore boundary line.
- The Committee identified potential measures for inclusion in FW53.
- The Committee supported an emergency action to adjust GOM haddock specifications, dependent on the results of SARC 59.

**AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 52 – WINDOWPANE FLOUNDER ACCOUNTABILITY MEASURES**

***PRESENTATION: FRAMEWORK ADJUSTMENT 52: WINDOWPANE FLOUNDER ACCOUNTABILITY MEASURES – GROUND FISH FISHERY MANAGEMENT PLAN (JAMIE COUNANE)***

Staff provided the Committee with an overview of the measures further developed by the PDT to address windowpane flounder AMs in FW52. Option 2 for revising the AMs included 2 sub-options. Sub-option A modifies the AM trigger by taking stock status/biomass into account; if the stock is rebuilt and a defined biomass criteria is greater than the fishing year catch then the AM can be reduced from the large area to the small area. Sub-option B considers catch performance over the most recent two-year period in the determination of AM implementation; if an overage occurs in year 1 (AM triggered for year 3) is followed by an underage of the total ACL in year 2 the AM could be removed after August 31 in year 3. Option 3 allows for a seasonal AM in the northern windowpane flounder stock area that would require modified gear to be used in SA 514 for a set period depending on the level of overage. Staff noted that final action on FW52 was expected in June 2014. Draft impact analyses of these alternatives were provided to the Committee. The goals for the meeting were to discuss the decision document, address any questions regarding the impacts analyses, and potentially select and recommend preferred alternatives to the Council.

**DISCUSSION ON THE PRESENTATION**

The Committee discussed how none of the presented alternatives addressed the immediate issue of modifying the AM in the northern area in-season in FY2014. Staff encouraged the Committee to move forward with alternatives for the northern area despite a lack of immediate benefit, in case they could be of use in future.

The seasonal AM in option 3 was only developed for the northern area because it was difficult to determine one for the southern area. Based on feedback that the existing AM area was in the wrong location, the PDT examined recent catches and determined that the largest single catches were in SA522. A Committee member noted that the economic impacts would be substantial if the AM required gear modifications in SA 522. It would negatively impact the GB winter flounder fishery and potentially the redfish fishery. A Committee member requested more information regarding summer flounder catch in SA 522 in order to determine whether that fishery would also be affected.

The Committee considered that the overage could be due to an increasing windowpane flounder stock and that an updated assessment should be done to increase specifications. However, the update will not be completed until late 2015.

Staff requested clarification from NOAA General Counsel regarding the requirement that a stock should be rebuilt in sub-option A. General Counsel explained that AMs are necessary for two basic reasons: to prevent ACL overages and to correct or mitigate the biological effects of the overage. When fisheries are rebuilding, the national guidelines instruct that an AM should address the full amount of the overage unless the biomass suggests that no adjustment is needed to adjust the effects of the overage. A stock being rebuilt is not a strict legal requirement but reducing/removing an AM is much more supportable when a fishery is rebuilt. A Committee member suggested modifying the alternative language so that the AM could be modified if the stock was rebuilt or the biomass criterion was greater than the monitoring catch. GARFO staff clarified that the recreational AMs developed by the Mid Atlantic Fishery Management Council did require a stock to be rebuilt if the status was unknown. Updating the windowpane flounder survey indices does not provide an update on stock status. A Committee member

considered that requiring a biomass criterion to be met in conjunction with sub-option B would be overly restrictive on industry. By remaining under the total ACL in the second year, industry would have corrected the impacts of the overage. However, both sub-options could be applied. Staff explained that the impacts analysis did not cover both sub-options being implemented together. The Committee discussed the possibility of selecting both sub-options (in Option 2) and the implications for AMs in FY2014 and in the future. It was suggested that sub-option B should be examined first to see if it was met and then determined whether sub-option A was met. Another Committee member was more in favor of selecting both sub-options because this would likely be in place for the foreseeable future.

**Public comment:**

- Vito Giacalone, Northeast Seafood Coalition – Looking straight at the index that is changing, may be one of the reasons for looking at one of these sub-options and apply them so that you can go from large area to small. That change in the survey index could also change the status of the stock. Is there a way you could put in an additional condition so that if it is already declared rebuilt and not subject to overfishing but you may find out that the new information changes that status. If we disqualify one of the stocks from being able to utilize this but we find out that this change in index would actually change the stock status. Maybe, instead of being automatic, you could add in that it is at the request of the Council so that you distinguish between the stocks rebuilt or a stock that was originally deemed to not be rebuilt. Applying it just like it's laid out to apply to the southern area, or whatever stock is rebuilt, to say that we couldn't do that then look at that in the northern area we might be overlooking the fact that if there's that big of a change in the index that the stock may well be in much better shape so that it's not in such terrible condition that you couldn't make that consideration. I don't think you can do it automatically, you need to take an extra step but at least the option would be there.
- Chris Brown, Rhode Island Commercial Fishermen's Association – I am incredibly uncomfortable with the concept of placing this sort of dependence on the PDT. In their infinite wisdom this year they have locked us out of where the windowpane are not and have made us fish where they are. Their considerations for drawing the boxes in Southern New England (SNE) did not take into consideration the fact that we have not been able to access winter flounder for 3 years; that is our largest stock and will drive our decision making processes on how to fish and where. This brings into focus the need for community management for co-management. We are not going down that road with this entire process. GARFO has interpreted the Magnuson-Stevens Act for you. They have pinned a host of torturous solutions for the industry to cover their own failure in allocating enough funds to fix the data banks so we have a real time mechanism we can depend on. Our data bank system right now, with all the data from observed trips, which drives the decision making process, is a mausoleum for data. It is not a management tool. It is hopelessly outdated. The Magnuson-Stevens Act has something in it for everybody. It tells us all what we should do. It is not a document that takes effect from the end of the pier 200 miles seaward. It affects Councils and managers. I think this is being portrayed as a failure of the fishery when in reality it is a failure of higher level management. The quickest way to ensure a failure of an initiative is to not anticipate it economically. There was no economic consideration given to the overhaul of the data system that drives our ability to have community management and co-management with these non-allocated stocks. That effectively goes against the very tenor of the Magnuson-Stevens Act. I am profoundly disappointed that we have internalized this and kept fishermen from it. I would not risk venturing a guess as to where the windowpane stocks were going to be next year. If I couldn't report until 6 months after the previous year as to what we had caught. We're being set up to fail. We have falsely interpreted the meaning of MS Act. It says we will promote measures which foster accountability and it doesn't say we will kill fish and punish fishermen afterwards. I'm asking that you reconsider that. I think we have to have free-flowing

accurate, timely data in order to respond. If you cannot measure it then you cannot manage it. I'm looking for GARFO and the overarching Council to embrace the power that is within the sector process. If you create the proper incentive fishermen will do the right thing. I would like to make my decision on whether to fish in an area based on consequences versus what fish are there. This industry wants to get to the point where they can make that decision. I understand we have an obligation; the way it is being played out we have not collectively failed just industry has failed. Making these decisions on an index based survey is unconscionable. It's possibly the worst tool we have in all of science. The industry knows and area is only an area to you; it's a different place one day to the next for us. That's the nature of fishing. It is so difficult to categorize an area and capture its essence accurately over an expanded period of time.

- Bonnie Brady, Long Island Commercial Fishing Association – If you look at SNE windowpane document by Ms. Hendrickson that describes the status of the stock but when you go back to what the catch of the stock is; it was based on the fact that according to GARM initially, which prior to the indices and Bigelow calibration, they determined catch in 2010 would be 419 mt, 752 mt in 2013 and 835 mt in 2014 but when they calibrated the Bigelow they made it constant for 3 years. Prior to that they assumed the stock was going to be growing but it's one thing to go over on a stock that grows at the same rate every year but if the stock is actually growing if it's rebuilt you're going to catch more of it because there's more out there. You can't help it at that point because there's more of it out there. So if in the second year they have gone under and to not give them the benefit of going under is not fair. Is there no option for a seasonal AM or a removal for option 3 for southern windowpane? Southern windowpane is rebuilt. Why is there the need to put a choke hold on a fishery that is rebuilt? You're beating people up for no reason. The stock is rebuilt so you're going to catch more so if the goal of an AM is to keep people from over catching a stock that is overfished or overfishing is occurring. The numbers are based on the Bigelow because it had to be recalibrated – they went with constant catch but prior to that in the GARM they were going with larger catch over time. This doesn't make any sense. There needs to be an option for southern windowpane and eventually for northern windowpane that once you're rebuilt the AM goes away. Bring them back into place if after one year you go over by a small percentage but once they're rebuilt in theory they're going to grow; they're not going to suddenly decrease and take a hit.

#### **1. Motion (Mr. Dempsey/Mr. Alexander):**

Move to recommend to the Council that for Framework Adjustment 52 that Option 2/Sub-Option A (modified AM trigger that incorporates stock status and biomass) and Option 2/Sub-Option B (consideration of catch performance over the most recent two-year period when determining AM implementation) be preferred alternatives for Northern and Southern windowpane flounder stocks, with guidance to NMFS that if an AM is implemented to select Option 2/Sub-Option A, Option 2/Sub-Option B, or a combination of both options that minimizes the economic impacts to the groundfish fishery the most.

#### **Public comment on the Motion:**

- Bonnie Brady – I would appreciate that with both and if you need clarification look at page 169 versus 170, it shows associated trips and there's some economic data in there for the large versus small area. The ability to at least minimize to the level of the small area would at least allow the majority of the Point Judith, the Belford guys in NJ, and the Montauk guys to be able to at least fish somewhat. May and June are important months for Groundfish. There's no squid about so May and June are important for Groundfish. It's a big deal if we can get that first part of the year. I do know that obviously they exist but in order to totally modify an AM would that be FW53? In

order to change the AM itself and not the triggers? I don't want to hold this action up. By that I mean change the wording of the AM and change the tenets of the AM so they are not the same as they exist presently. If there was something to be added or changed so there is a seasonality component to an AM for SNE specifically because even though you can't tell and break it down by a specific area taking 3 months out of the season still might be enough to get us under that limit and not negatively impact everyone along the way. If you were to say different months as opposed to that 4 month period. If an AM went into place, to offer a seasonal component to it as opposed to 24/7, 365 days.

- Chris Brown – It seemed an opportune time to insert a vision here. When I talk about co-management, this is where we would have a 6 month assessment of where we were in the FY. If it was out of formula with the calendar we could signal a congress where all sectors get together and devise some methods of harvesting the rest of our quota, while avoiding the rest of our windowpane. You would hand it over to us. That's what we're trying to get to. It's incredibly maddening, although I know you're working hard to come up with options for situations that haven't arisen yet and that's partly what we're trying to get away from.

**1a. Motion** to amend (Dr. Pierce/Mr. Alexander)

Move to recommend to the Council that for Framework Adjustment 52 that Option 2/Sub-Option A (modified AM trigger that incorporates stock status and biomass) and Option 2/Sub-Option B (consideration of catch performance over the most recent two-year period when determining AM implementation) be preferred alternatives for Northern and Southern windowpane flounder stocks, with guidance to NMFS that if an AM is implemented to select Option 2/Sub-Option A, Option 2/Sub-Option B, or a combination of both options that minimizes the economic impacts to the groundfish fishery the most, and that Option 3 (seasonal AM for the northern windowpane flounder stock) be moved to the Considered but Rejected section of FW 52.

*Rationale* – There will be impacts on fishing of other species, e.g. skates and monkfish, which should be considered unacceptable. SA 522 is just too big of an area for this AM.

**Motion # 1a CARRIED 9-1-0.**

**Main Motion as Amended CARRIED 9-1-0.**

**AGENDA ITEM #2: AMENDMENT 18 – FLEET DIVERSITY AND ACCUMULATION LIMITS**

***PRESENTATION: AMENDMENT 18 UPDATE: NORTHEAST MULTISPECIES FMP (RACHEL FEENEY)***

Staff provided an overview of recent PDT input on A18 and posed a series of questions for the Committee to consider prior to the June 2014 Council meeting. The qualification years to establish the Handgear A fishery sub-ACL would be inconsistent with current practice; the Committee was requested to clarify what years should be used. The PDT requested clarification on how discards should be accounted for the Handgear A fishery. The PDT also recommended that the option that restricted PSC associated with HA permits to only be used by HA fishermen using handgear should be removed; NMFS cannot control ACE once it is allocated to sectors. The PDT requested the Committee remove the following language from alternatives 2-4 (Section 4.1.2) "The Council may select one or more of the multispecies stocks to which this alternative applies" because this would require the PDT to analyze an extremely large number of options in the impacts analysis. NMFS has proposed that the accumulation limit alternatives would likely be applied to human persons and state-operated permit banks unless directed otherwise by the Council. The PSC redistribution option could be applied to all the accumulation limit alternatives. The PDT was unsure how the Council intended the biological objective of cod depletion in the inshore GOM to fit

within the socioeconomic goals of A18, but suggested that depletion may impact fleet diversity. The PDT did discuss three potential measures for inshore GOM issues that could address the biological or socioeconomic issues, or both. The PDT requested a number of clarifications on the inshore GOM issue from the Committee that included identifying the goals of addressing effort concentrations, how would allocations be divided between inshore and offshore GOM areas, safety concerns, impact of cod-excluding gear on other depleted stocks and how ACE could be assigned to a smaller area than the stock level.

## **DISCUSSION ON THE PRESENTATION**

A Committee member clarified that the rationale between biological and socioeconomic issues for inshore/offshore was in line with the PDT conclusion that there are socioeconomic issues attached to biological issues.

### **2. Motion (Mr. Dempsey/Mr. Kendall):**

To move Section 4.3.2 Alternative 2, Option I (HA permit PSC in sectors to only be used by HA fishermen, except those leased to other gear types in FY12-13) to the Considered but Rejected section.

A Committee member recommended modifying the motion to address the inconsistency in qualification years between Option A and current practice.

### **2a. Motion as friendly amended:**

To move Section 4.3.2 Alternative 2, Option I (HA permit PSC in sectors to only be used by HA fishermen, except those leased to other gear types in FY12-13) to the Considered but Rejected section, and to revise Option A to be consistent with current Handgear A qualification criteria years.

### **Motion # 2a CARRIED 10-0-0.**

### **3. Motion (Dr. Pierce/):**

To move that Section 4.3.2 (Establish a fishery for handgear A permits) Alternative 2, Option B (Other Fishery Component) be replaced with the discard calculation option and sub-options in Table 5 (pp. 9) of the June 2, 2014 GF PDT memo to the GF OSC.

There was some confusion on the Committee as to what the motion intended. Some Committee members supported what was in the discussion document over the PDT memo. The PDT memo included 2 sub-options for this alternative. A Committee member could not support any option that did not account for commercial fisheries discards; sub-option A in the PDT memo would be acceptable. The maker of the motion was not choosing a preferred sub-option but was including options for the Council to consider.

### **Motion #3 FAILED for lack of a second.**

### **4. Motion (Dempsey/Nolan):**

To replace Section 4.3.2 (Establish a fishery for handgear A permits) Alternative 2, Option B (Other Fishery Component) sub-option B (calculation of discard rate) with sub-option A in Table 5 (pp. 9) of the June 2, 2014 GF PDT memo to the GF OSC.

### **Motion # 4 CARRIED 10-0-0.**

The Committee discussed the PDT request to reduce the number of PSC accumulation limit options, making the impact analysis more feasible. The PDT struggled to construct a rationale supporting caps on a sub-set of species versus another sub-set. One sub-set might not be consistent with the rationale of the alternative, e.g. if the alternative is to limit the holdings of stock-specific PSC to the same level, but if only one of those stocks is selected then other stocks could go above that, which is inconsistent with the rationale.

**5. Motion** (Mr. Dempsey/Mr. Alexander):

Move to strike the following language in Section 4.1.2 (Limit the holdings of PSC) from Alternatives 2, 3, and 4: “The Council may select one or more of the multispecies stocks to which this alternative would apply.”

**Motion # 5 CAARRIED 10-0-0.**

A Committee member proposed the addition of a sub-option that would annually redistribute any PSC that was over a cap, instead of permanently adjusting the PSC associated with that permit. This would allow the baseline PSC associated with a permit to be maintained, if the permit was to be sold in the future. Staff reminded the Committee that the Council previously passed a motion in opposition to PSC and permit splitting in A18. PSC is redistributed annually so this did not appear to result in additional work for NMFS.

**6. Motion** (Mr. Dempsey/Mr. Alexander):

To include in A18, a sub-option for all alternatives in Section 4.1.2 (Limit the holdings of PSC) that individual human persons that have a PSC for a stock or stocks in excess of the identified cap would have the associated ACE annually distributed to the rest of the fleet in the manner described in FW 45. The PSCs for all permits would remain unchanged.

*Rationale* – This would create an option that would apply to all alternatives in Section 4.1.2.

A Committee member noted that permits are relinquished, for various reasons, on an annual basis; this motion would not affect that process at all.

**Motion #6 CARRIED 9-0-1.**

**Public comment**

- Vito Giacalone – I know there’s an option A under the 15.5% alternative that says that if you divest it’s a forced divestiture and it’s distributed by the FW45 method, so that’s a taking in essence. If someone is way over the cap then whatever they have over the cap they don’t get to sell it in the open market and divest with control. It’s taken away and this option that was just unanimously approved does the same thing for all options through leasing. You can’t lease it and have a restricted amount of usage; just like the forced divestiture it’s a taking, the leasing would be a taking as well. I’m not commenting, I’m just trying to make sure I understand what we just did. The motion that was approved would be appropriate because it would allow someone to hang onto their permit and not get the short term benefit but could hold onto it for the long term benefit. But then I read one of the options, Option A under the 15.5% cap, it mentions that anybody over the cap would redistribute ownership of PSC over 15.5%. The two things in aggregate if they’re applied across the board to all the caps we don’t have any controlled divestiture of where people are actually reimbursed for what they own. That’s my concern –the two together would be a dangerous combination.

- Maggie Raymond, Associated Fisheries of Maine – I wanted to speak in favor of the motion that passed. This whole discussion brings up, repeatedly, the whole issue of grandfathering. For whatever cap is chosen, is it the Council's intent that individuals who are currently over that cap will be grandfathered. I know lawyers have hinted that divestiture would be problematic if the Council went with that. It would be important to make Council's intent clear in the public comment document. It will make a huge difference in the kind of input you receive.

A Committee member suggested that if an individual was above the PSC limit and forced to divest that permit that they should be allowed a set period of time to sell that permit; it doesn't mean that permit was taken from them. The Committee moved on to discuss inshore/offshore measures for A18. A motion was put forward to begin the discussion on this complicated issue based partly on a critique of the PDT memo and a letter received by MA DMF from a sector. The PDT provided very clear guidance on the pros and cons of potential alternatives; however, they concluded that it would be inappropriate to address this issue under A18.

**7. Motion** (Dr. Pierce/Dr. McKenzie):

Move to establish a Gulf of Maine (GOM) inshore/offshore boundary at the eastern boundary of the Western GOM closed area extended north and south and close the inshore area to the commercial and recreational Groundfish fishery from November 1 to January 31.

*Rationale:* The intent is not to deny trip vessels access to the inshore areas but to address fleet diversity. Many trip vessels have a long history of fishing inshore and are dependent on the inshore GOM. The effort data shows this concentration of cod in the WGOM. Different procedures need to be established if effort continues to congregate into these areas.

There was some opposition to this motion as some Committee members preferred discrete areas and not large areas as proposed in the motion. The duration and timing of the closure were also questioned as those three months were the best for catching pollock and would negatively impact the ability to catch fish before the winter weather sets in. The area and timing were chosen in light of current cod conditions. Another Committee member thought these were two separate issues and a spawning closure could be addressed in FW53, which is expected to be implemented before A18.

**7a. Motion to Substitute** (Mr. Dempsey/Mr. Alexander):

To consider an expanded seasonal spawning closure to protect GOM cod in FW 53.

*Rationale:* If this is a priority, then it should be done in a framework and implemented faster than A18 would. We have spawning protection measures and should move forward with this in the framework.

A Committee member was opposed to the motion to substitute because it didn't directly address the inshore/offshore boundary issue.

**Motion #7a was RULED OUT OF ORDER.**

**7b. Motion** to split (Ms. Goethel/Dr. McKenzie):

**Motion # 7b CARRIED 8-3-0.**

The Committee discussed potential boundary lines, e.g. 70 degree line.

**8. Motion** as split and friendly amended:



Move to establish a GOM inshore/offshore boundary at the 70 degrees W longitude line extended north and south.

### **Public Comment**

- Maggie Raymond – How can you draw a boundary when it's not clear what problem you're trying to address? The PDT did an analysis of SA 514, which this area does include part of SA 514 but it's also much bigger and we have no analysis of any concentration within this area that is not in SA 514. I understand that people want to draw a line but you have to understand what the purpose of that is. What are you trying to address, what are the goals and what are you going to do on either side of that line? You need to know the answers before you can draw a line. My understanding of the analysis of effort in SA 514 was not that there was more cod taken out of SA 514 in recent years; it was just taken by different sized boats. The same amount of fish was killed but in recent years it was killed by more large boats but in previous years it was all killed by smaller boats. I don't see where that concentration of effort has shifted inshore. Maybe some boats that didn't fish there in the past fish there now but the same amount of effort is taking place just by different people. If that is the problem you are trying to address, you don't like that those other people are fishing there then that should be clearly stated as the objective and that may help you have some real reason for rationale for drawing a particular line. I would urge you to vote against this motion unless someone comes up with a clear reason for why we need these boundaries to begin with.
- Vito Giacalone – I just wanted to talk about the area. We had chosen the 70 degree 15 minute line with the inshore GOM declaration. The reason for that is there's quite a bit of bottom on the bottom side of the WGOM closed area that's not really considered inshore fishing grounds and it's really part of that Wilkinson's Basin fishery – a lot of pollock comes from there. It was pretty unanimous when we were talking about the 70 degree 15 minute line in that it was capturing what was important to the inshore fleet. MA Bay, possibly I see how it dissects Provincetown; no one was thinking inside MA Bay – perhaps you could say 70 degree 15 minute and all of MA Bay that's inside the hook there. I just thought I'd throw it out there because not knowing what type of input controls could occur as a result of using that boundary I think it's good to know up front why you're doing it that there are some important components of what would be considered mid-range or trip fishing that occurs south of the WGOM closed area that's not impacting the inshore fleet.

A Committee member was opposed to this motion as it felt like putting the cart before the horse. The rationale behind this motion was unclear, e.g. does this motion recommend removing all large vessels from inshore areas and requiring them to stay outside the area for an entire trip or a year. This motion could be supported for analysis to answer these questions. A Committee member opposed the motion because the historic fleet referred to never went to Middle Bank consistently – effort moved around. The PDT analyzed fishing effort in SA 514 to determine if fishing behavior changed after the implementation of sectors. A Committee member suggested having the PDT conduct a more detailed analysis based on as precise data as possible in SA 514 to see if there were changes in effort patterns to see where to put that boundary line. This suggestion was supported by a Committee member who thought the PDT analysis on the change in number of trips in SA 514 was not an accurate way to examine this issue. The Committee could recommend 2 boundary options to the Council – the 70 degree and the 70 degree 15 minute line.

### **8a. Motion to amend (Mr. Dempsey/Dr. McKenzie)**

Move to amend that the PDT develop a range of alternatives in establishing an inshore/offshore GOM boundary line including among those alternatives, 70 degrees W longitude line extended north and south, and 70 degrees 15 minutes W longitude line extended north and south.

*Rationale:* Our hope would be to have a PDT analysis that supports where we put this line.

Some of these data have already been analyzed by the Habitat PDT for the Omnibus Amendment. This seemed like a reasonable course of action to move this issue forward to a few Committee members, however, staff was confused that the Committee wanted the PDT to develop alternatives to do something without a firm goal and rationale. This may affect the timeline of implementation for A18 but a Committee member preferred to wait and ensure the line is in an appropriate location and to allow the Committee to decide what they want to do with it. A Committee member thought that since trip limits are not an option then closures would be necessary; the proposed closure would expand the habitat measure. A Committee member questioned whether vessel size could legally be discriminated against.

In an effort to clarify the rationale, a Committee member proposed that the PDT develop a line based on fishing effort and determine if there is a distinction between vessel behavior regardless of vessel size, where does effort drop off relative to the shore. Staff suggested including an alternative in A18 that would allow this to be further developed in a future framework.

#### **Public comment**

- Steve Welch, Sector 10 member – We're not looking to discriminate, to keep bigger boats out. We were trying to slow the effort down to give the fish a chance. We want to protect that spawning fish. We've notice the biomass decrease quite a bit. There's not a lot of fishing effort in that area - blocks 124 and 125 for whatever reason. We just want a future and we don't see a future when a fish shows up or biomass of fish shows up and a lot of boats show up and pounce on it. Another concern is the increased use of liners and we've seen quite a bit of small cod fish on the western side of Stellwagen a few weeks ago. It would be important to nurture this fish to let it grow. I'm really concerned from what I saw and what I see today; we had 32 members who were fishing either full time or part time. I think we're down to 1 full time member right now and he's not making any money because he's playing the leasing game. He can't even afford to pay his sector bills. We're all hanging in there because we want a future. The way to get a future is to somehow just control the rate of fishing effort in that area. That's why we came up with the idea of trip limits because we saw that they had worked. The discarding issue is debatable but guys are hanging on because they want a future. I'll go with the 70 degree 15 minute line because I spent a lot of time pollock fishing those humps south of the WGOM closure that's where most of my pollock landings came from. I think it's important to understand that we do need a line. The line eventually is going to help us protect the fish inshore. We all know that juvenile fish go up in the shoal waters in spring, summer and fall. I don't want to exclude anybody. Anyone left fishing now deserves to be fishing. For people to hang on like this, it's pretty commendable. We don't want to exclude anybody we just want to nurture the future so we have a fishery. We came across as big boat, little boat and I had a big boat and was picked on for having a big boat. We just want to have a future for everybody.
- Maggie Raymond – So far today we've had 3 different suggested lines. We still don't know what is going to happen on either side of that line. I've been around way too long because I remember when we first worked on spawning closures for cod in the GOM; we had some very discrete areas closed for short periods of time to protect the fish and somehow those ended up going out to the Hague line. We've got one today that still goes all the way out to the Hague line to protect spawning cod. That's what happens when you draw these lines when you don't know what you're

going to do with it. Everybody comes to the table and says you're going to close my area, well then let's take it all the way out to here and we'll close your area too. This is just going to go on and on and on. You're going to end up in the same place where we are today, which is what these so called spawning closures that don't do anything because they're in the wrong place at the wrong time because it was a political decision and had nothing to do with biology. This goes back to A13 when we discussed inshore/offshore. Nobody could agree where to draw a line or what should happen on either side. What you need to do if the concern is, and that's what we've heard for months, big boats fishing inshore then let's open up everything east of that line. You have a whole lot of closures out there that big boats could be fishing in and maybe making some money but they're closed. Every time we talk about opening them we can't do that. You keep coming up with these ideas but you have no idea what you're going to do on either side but somebody is going to get hurt. It is just going to create more problems than we have.

- Vito Giacalone – If this motion passes, so the PDT knows what to look at, because we had a SA 514 analysis done and because we criticized the SA 514 analysis as being too coarse. SA 514 is a huge area; there's a lot of purely offshore fishing that happens in the east side of SA 514 and virtually all of the inshore fishery happens west of inside SA 514. Is it possible to look at the 70 degree or 70 degree 15 minute, what percentage of those thousands of trips that occur in what is considered the day boat fishery happens exclusively west of 70 degree 15 minute? How many of those trips happen east of 70 degree 15 minute? Just so you know where the inshore fishery is being conducted and if the Committee made it clear that the idea of this is to make the area that we're trying to define as discrete as possible and not have the past happen again. The focus is to make the area as small as possible but to encompass the inshore fishery. Just so you know what it is. Right now I'm seeing this as not a reason to be doing input controls, you're just trying to define what the inshore area is. We don't want to have that inshore area overlap onto the offshore fishery because you end up with inshore input controls that ruin the offshore fishery. We'd like to know; it would be nice to see a PDT report that showed that.

A Committee member was opposed to drawing a line before it was clear why the line was being drawn. A number of scientists agree that cod are contracting in an alarming way; this may support having a larger closure area as originally proposed. Another suggestion was to have the PDT determine where the inshore/offshore line should be and then come back to this process and decide what should be done with that line.

#### **Motion to amend #8a CARRIED 8-3-0.**

#### **The Main Motion as amended CARRIED 8-3-0.**

##### **9. Motion as split:**

Move to close the inshore area to the commercial and recreational Groundfish fishery from November 1 to January 31.

This motion was considered by one Committee member to be confusing two issues. Options for analysis were needed to address inshore/offshore issues and spawning protection.

##### **9a. Motion to substitute Motion 9 (Mr. Dempsey/Mr. Kendall)**

To substitute and move to include in A18 the following which would apply to the commercial and recreational groundfish fisheries:

- 1) an alternative to create an inshore GOM sub-ACL which would divide the existing ACL into inshore and offshore sub-ACLs based either on historical catch patterns or stock distribution (up to 20 years prior) and a sub-option which would prohibit vessels from fishing in both the inshore and

offshore GOM areas on a single trip without an observer or EM technology which can correctly attribute catch to each area and

2) an alternative that attempts to address concentrated inshore effort with the development of an expanded gear restricted area in inshore GOM.

*Rationale* – This would apply to both commercial and recreational vessels; both sub-ACLs could be split. This motion is slightly different to the sector agreement in place right now; this motion would prevent someone or at least prevent the entire fishery from fishing 100% of GOM cod inshore. A 20 year analysis was thought to cover recent changes and historical behavior. The intent is to introduce a motion to deal with the spawning protections during the Framework 53 discussion.

The definition of historical catch patterns would have to be developed over time. More work would be needed to determine how to split the ACL into inshore and offshore components.

One Committee member did not think trends from 20 years ago would be applicable to our current situation.

### **Public comment on the motion**

- Maggie Raymond – I have a question about the first part of the measure. This is intended to address concentration of effort in the inshore so you want to try to limit the effort that's in the inshore. So the inshore boats just took a 78% cut in GOM cod so now they're going to take another cut because they can only fish a portion of their GOM cod allocation in the inshore and the big boats that never fish inshore they're going to have to make damn sure they go inshore to catch their portion or lease. They're either have to fish it because they have to if it's separated into inshore/offshore so you're going to fish it or lease it at a very high rate because it's going to be a reduction again in the inshore. How much can these guys take? I don't think you realize what you're doing. You want to protect the cod and cut down on the effort but just think about what this means in terms of what the allocation is going to be inside that area, even if 70% of the allocation goes to the western area there's still another 30% cut for them on top of the 78% that they just took.

This motion was constructed to solve this issue under the current management paradigm without attempting to do everything with effort controls. A Committee member noted that the PDT has already identified a number of problems associated with this issue; the member continued to support using a closure instead of this approach. Other Committee members could not understand how a closure would solve this issue.

### **Motion # 9a to substitute CARRIED 9-1-1.**

### **The main motion as substituted CARRIED 9-1-1.**

#### **10. Motion (Mr. Dempsey/Mr. Alexander):**

Move to consider an expanded (i.e., area, protection, efficacy) seasonal spawning closure to protect codfish in the inshore GOM in FW 53.

*Rationale* – This would expand on existing spawning protections, not only by area but by efficacy. While there was some support that a framework action was more appropriate to address this issue, staff reminded the Committee that spawning closures were moved to a multiyear track to focus on windowpane flounder issues. The maker of the motion clarified that this motion was specific to cod spawning areas; the multiyear track plan was to look at groundfish spawning closures as a whole. The

multi-year track is not impacted, because all of that needs to be done too; this is a focused alternative for the next framework. Staff informed the Committee that there are other measures that are expected to be addressed in FW53. FW53 is not a narrow and focused framework that would be completed on a faster timeline, like FW52.

### Public Comment

- Jackie Odell, Northeast Seafood Coalition (NSC) – As part of the habitat amendment the NSC developed a small working group of fishermen just to talk about the different measures and options in the habitat amendment. Our strong recommendation was to not consider changes to spawning areas because fishermen were very concerned about the inability of these areas to be adaptive and to be able to change quickly based on timely information and be able to provide fishermen with opportunities to target other stocks. We've been having many discussions for many years now about the concerns for being able to target stocks like haddock, GOM haddock, when we close areas to protect spawning cod but then they're not adaptive and we lose huge opportunities for the inshore fleet to be able to target GOM haddock. Well that problem is now going to be discussed by the end of the day; we're having a new assessment that's going to be coming out at some point and even though we don't know what the numbers are we know we're going to have a much more positive outlook on GOM haddock. My concerns are just with this motion is as well as with kind of moving down the road if we're looking at the viability of the inshore fleet we really need to be thinking about not only what are we doing to protect cod spawning but how are we making these areas adaptive, how are we making the opportunities to fish on other stocks that will become more readily available in terms of the ACL for the inshore fleet. We just approve the WGOM closed area so now is the Council preferred option to not do anything in that area? Now we have cod spawning consideration in the GOM. We have a WGOM closed area that may not get changed and we have a haddock TAC that's potentially being increased with no fishing opportunities for the inshore fleet that we care about the viability and fleet diversity. I just hope that we take this all under consideration. I get very concerned when we talk about protecting cod that we have to be mindful that these areas have to be adoptive and providing opportunities for other stocks that are also in these areas that these businesses could greatly benefit from.
- Dick Allen, Fishery Consulting – I'm confused about the spawning closure concept and wondering whether the concern is about spawning biomass or about physical disruption of spawning activity by fishing activity. The ACLs are supposed to be set for biomass. If you force people to fish on dispersed stocks that you don't know which spawning stock they're from but they still don't get to the spawning area so the only thing you'd be looking at is we don't want anybody messing them up physically. If we separate those in your mind it will be easier to come up with the appropriate measures. Is it protecting spawning biomass or prevent physical obstructions on spawning fish? If you remove the fish before they get to the spawning areas then they're still not going to be able to spawn.
- Vito Giacalone – Just from a process standpoint, I'm assuming this is probably going to take an EIS to have a potentially large closure inshore analyzed. I don't know how much that would slow down FW53. We're hoping to get northern windowpane solved somehow and that's not going to be easy. On behalf of the inshore fleet, coming from a port with mostly inshore fishermen, I don't know how anyone would make it and I know this is not a proposal but just keep in mind the output control system is 1500 mt that we're working with now with GOM cod with the commercial piece of it being 60% of that. It's tiny. Full possession of legal sized fish, it seems like we've got things down pretty small and A18 is focusing on fleet diversity and preserving the

inshore fleet and I would say that if there's one way to kill full time Groundfish boats that don't have other fisheries to shift onto would be to stop their income over the holidays and allow them to go back to work February 1 when the weather is at its worst. We've already experienced closures that were not as deep in terms of consecutiveness, in the old rolling closure days. From 4 – 7 months in one 12 month period we actually had 7 months and that's when the fleet was really collapsing. Just keep that in mind, output controls were supposed to replace a lot of this stuff and talking about inshore fleet's survivability I can't imagine the full time Groundfish ports and full time Groundfish inshore fishermen surviving this. I think just be prepared, I know you're getting input from one sector but I think you also want to talk to sectors 2, 3, 6, sustainable harvest, there's a lot of sectors that have inshore fishermen that have for the Port Clyde sectors that work full time. Sectors 11 and 12 in NH, those are all fully dependent on these areas and I'm not hearing input from those sectors at this point, at least not from the full time active sector fishermen. I think before we jump into that I think we really want to look at that because the guys I know would have heart attack if they knew that November, December and January would be 3 months of consecutive closures. That would be a death knell for the inshore fleet.

**Motion # 10 CARRIED 11-0-0.**

Because the Committee added additional alternatives for consideration in A18, they agreed by consensus to delay approving those alternatives for inclusion until September.

**AGENDA ITEM #3: FRAMEWORK ADJUSTMENT 53**

***PRESENTATION: FRAMEWORK ADJUSTMENT 53: SPECIFICATIONS AND MANAGEMENT MEASURES  
GROUNDFISH FISHERY MANAGEMENT PLAN (JAMIE COUNANE)***

Staff outlined the timeline for FW53, which is expected to be initiated at the June 2014 Council meeting with final action expected in November 2014. FW53 must address some regulatory measures including stock status changes, if any, and specifications for GOM and GB winter flounder, pollock, GOM haddock, GB yellowtail flounder, EGB cod and EGB haddock stocks. The Committee was asked for guidance on any additional measures for inclusion. Staff provided a list of potential measures that included establishing sub-ACLs for windowpane flounder for any qualifying sub-components and developing AMs, revise the carryover provisions, create a roll-over provision for specifications, recreational management measure process, and possible removal of common pool measures that have become obsolete and/or have increased administrative burden (requested by GARFO). The windowpane sub-ACLs have already been included in this FW by the Council at the April 2014 meeting.

**Public Comment:**

- Bonnie Brady –This seems like the place to request, if possible in FW53 windowpane issues. If there could be a look into whether a seasonal component of changing the accountability measure so that instead of creating that 4 month period I mentioned earlier. Instead of it beginning on May 1, if it could possibly begin on July 1 and go through October instead. I spoke briefly to a few Committee members about that because of the fact that, on page 138 of FW52, the catches that are in the place for both 2012 and 2013 during that time frame tend to be larger catches. To see whether or not the ability to move that 4 month period whether you decide whether you're over from the year before to allow the Groundfish guys to be able to access the stocks in May and June, which are economically very important times for them. Instead begin putting a small AM in place if they had to beginning in July. If it was to continue for that time period if the AM gets triggered the small one does then it continues on but just allowing for next year's allowing them

to have those 2 months. May and June are productive for Groundfish guys in SNE. Can you move that 4 month period later? It's hugely labor intensive but could it be teased out

Staff explained that the implementation of the AM for the first 4 months of the fishing year was to ensure reliable data were available to make the decision to modify the AM. A Committee member suggested accounting for this need in the trigger, e.g. if catch is thought to be below a certain threshold then the AM could be delayed. The AM timing (overage occurs in year 1 with AM implementation in year 3) was considered to be lenient upfront but having the AM in place for those 4 months would allow time to ensure the ACL wasn't exceeded. NOAA General Counsel informed the Committee that the NS guidelines instruct that the AM must go in place as soon as possible when the ACL has been exceeded. The PDT was unable to identify appropriate seasonal AMs for the southern stock but they were included in FW52 for the northern stock.

A Committee member considered the manipulation of mobile gear to target smaller fish to be an urgent issue to be addressed in FW53.

**11. Motion** (Mr. Dempsey/Dr. Pierce):

Motion to include in FW53 an alternative to address issues regarding the inappropriate manipulation of mobile gear to target smaller fish. This change would require all twine behind the tapered part of the net belly to be 6 ½". This would include the lengthener and the codend.

*Rationale:* The Coast Guard was concerned with the use of liners and the manipulation of mobile gear to target smaller fish. This doesn't address everything but one of the simpler ways to ease the enforcement of some of these practices.

This issue has not been discussed at an Enforcement Committee meeting and the Committee had a number of questions regarding whether this was enforceable and cost impacts on industry. The Coast Guard could be trained to look for any violations and this was considered simpler than other potential measures. Committee members thought costs to industry would be minimal as most fishermen have old nets that could be used for this modification but the Committee agreed that the enforcement Committee was a more suitable forum to discuss these details. No Committee members could provide evidence that smaller fish were being targeted or being seen in the landings.

**Public Comment**

- Vito Giacalone –I just want to make a request to consider in this, you could really cut the cost down and suggest that we're always looking at existing cod end and that needs a replacement but there's not much you can do with 6.5 inch twine so you could move old bag up and put a new bag on the end of it. The thing is you would generally want to change the bag when it's starting to shrink up a little bit so if there was more tolerance and keep the length of the bag that's required by law to meet the full size the same as it is but it would be a shame to take a 6.5 inch bag, which you usually get at 6.75 and they shrink down and they might get some sand in them and people are nervous about it. People might be less nervous about them if you move them up. But if you take the lengthening piece and expect that to completely meeting the 6.5 all the way through now you're actually telling people to buy double the mesh, double the cod end length, which would be a big expense. So if we could treat the lower half with less tolerance than the upper half that would be a tremendous help to the industry.

**Motion #11 carried 11-0-0.**

**PRESENTATION: SECTOR ACE CARRYOVER: UPDATE FOR GROUND FISH OVERSIGHT COMMITTEE  
(MICHAEL RUCCIO)**

In FW50, GARFO proposed allowing carryover to function off the books for one last year in FY2013. GARFO was challenged in court and lost. The court found that not accounting for carryover violated the Magnuson-Stevens Act. The Council needs to undertake rulemaking to address this. GARFO intends to do an emergency rulemaking and account for *de minimus* carryover against sub-ACLs; a pound for pound payback after *de minimus* would only be necessary if the total ACL and the sub-ACL were exceeded. For GOM haddock, recreational fishery contributed to an overage of the total ACL but sectors are currently below their sub-ACL, however, the data is still not final. There are 3 stocks that were close to the sub-ACL based on preliminary data – witch flounder, GOM haddock, and American plaice. This is examined on an individual sector basis – any sectors exceeding the *de minimus* carryover amount would have FY 2014 ACE reduced under the pound for pound payback. There could be situations where the *de minimus* carryover amount might not need to be paid back but other sub-components may put Groundfish sub-ACL over. For FY2014 GARFO proposed to count carryover against ACE and ACL. There is a small amount of ACE that is not subject to AM repayment. The AM is triggered if the total ACL is exceeded, irrespective of sector catch relative to sector sub-ACL. The current process still allows total potential catch above the ABC, which is inconsistent with Court finding; there are three potential options to address this. The Council could request, on an annual basis, that NMFS reduce carryover/total potential catch to ABC level, or the Agency must take unilateral action when necessary to reduce carryover/total potential catch using Court interpretation of “up to 10%” language, or the Council could take action to revise carryover accounting and/or process. GARFO staff requested guidance on what option the Committee preferred.

**DISCUSSION**

A Committee member observed that the three stocks that are under question for an AM have not had recent assessments; the GOM haddock benchmark assessment will be conducted in July 2014. Updates to the other assessments will not be completed until fall of 2015. There are low quotas on fish that are caught throughout the GOM and are difficult for fishermen not to catch. A Committee member did not want the Agency to revise carryover accounting and was in favor of a Council action, potentially in FW53.

The Agency has been waiting for the Committee to examine the possible removal of common pool measures that have become obsolete and/or have increased administrative burden, however, this doesn't need to be in FW53. Currently, there are 10,000 VMS declaration codes; using the B DAS program as an example, 2 common pool trips used these declaration codes for 2 trips last year. They complicate the VMS program and make it difficult to add new declarations. The PDT can examine this issue in the future for inclusion in another action.

It has been difficult to provide information to the Recreational Advisory Panel in a timely fashion for them to develop appropriate management measures to keep them below their sub-ACL. In recent years, an AM adjustment was necessary for the recreational fishery but measures were put in place just weeks before the start of the fishing year. This is difficult for this fishery as their business model requires books to be books much earlier to the start of the fishing year. GARFO plans to work with the PDT to develop options to address this issue; the Committee agreed to retain this as a placeholder for potential inclusion in FW53.

Currently, there is no provision that would allow Groundfish specifications to “roll-over” into the following fishing year; if no specifications are set then there is no ACL, which effectively ends fishing on that stock. Staff noted that based on the current timeline of Groundfish assessment updates being



conducted in the fall of 2015; it may not be possible to approve specifications prior to the start of FY2016. Therefore, a roll-over provision may be needed to allow fishing to continue. A Committee member did not like the term “roll-over”. Another member thought this concept was necessary and should be included in FW53; the NEFSC should also be engaged in these discussions. Staff suggested we could consider using the same specifications as the previous year or a set percentage for a set period of time to ensure assessment is conducted in a timely fashion.

The Committee discussed the availability of state data. It was not clear why there is a delay in the availability of state data but these data were necessary to finalize the catch of other sub-components. A Committee member was frustrated with the slow processing of all data considering the sectors have to report on a daily basis. A Committee member informed the Committee that the Commonwealth of MA has consistently not liberalized the rules and regulations in state waters for non-federal fisheries in the interests of the fishery.

The Committee agreed by consensus and put the list of potential measures for FW53 in order of priority as listed below.

#### **Regulatory Requirement**

- Status changes, if any
- Specifications for groundfish stocks (GOM and GB winter flounder stocks, pollock, GOM haddock, GB yellowtail flounder, EGB cod, EGB haddock)

#### **Management Measures**

- Allocate the windowpane flounder ACL to sub-components and develop AMs (applies to both stocks)
- Expand GOM cod inshore spawning closure
- Revise the carryover provisions
- Create a roll-over provision for specifications
- Address enforcement concerns – undersized fish through gear regs
- Recreational management measures process (placeholder)

#### **AGENDA ITEM #4: OTHER BUSINESS**

A Committee member proposed that GARFO complete an Emergency Action to raise the GOM haddock quota according to the benchmark assessment being conducted in July 2014 similar to what was done for pollock. GARFO prefers receiving a request from the Council to complete an Emergency Action so they are not taking unilateral action. There was some concern that the assessment was not going to result in an increase that matched what fishermen see on the water. GOM haddock assessment would be updated with the other Groundfish stocks in the fall of 2015. Staff reminded the Committee that the numbers suggesting that the quota could be increased came out of the working group meeting; the peer review would not be completed until July 2014 and no firm conclusions could be made until the final assessment report was available in late July or early August. The Committee did not want to wait until the September 2014 Council meeting to request an Emergency Action. One Committee member was not in favor of making such a request until the entire process was completed.

#### **12. Motion (Alexander/Ramsden):**

Contingent on the final results of the SARC 59 stock assessment of GOM haddock, the OSC recommends that the Council authorize the Council chair to request an emergency action to modify the GOM haddock ACL for FY 2014, and to request an in-season adjustment to the recreational fishery accountability measures for GOM haddock.

A Committee member did not think the working group sufficiently considered spillover. Staff clarified that spillover was a Term of Reference for the assessment and was discussed as an alternative explanation for what was happening with this stock; accordingly spillover will be discussed during the peer review. The Committee Chair suggested implementing FW54 at the June 2014 Council meeting instead of an Emergency Action. However, a framework was a longer process and might not be completed in time to affect FY 2014 GOM haddock quota. If the quota was adjusted in rule making for FW52, it would likely delay FW52.

#### **Motion #12 CARRIED 9-1-1.**

#### **Public Comment**

- Mary Beth Tooley – I didn't come today to ask for anything but to explain an issue. The Council agenda includes a discussion for a possible emergency action for the herring fishery relative to the haddock sub-ACL for the fishery. It is a little complicated but the bottom line is that the overall projections for GB haddock stock have gone up but the ABC for the US portion of the fishery has gone down and that includes a reduction to the sub-ACL of haddock for the herring fishery is reduced by approximately a third. So in 2013 the sub-ACL for haddock for the mid-water trawl fleet was 279 mt and for 2014 it's 179 mt; a significant reduction. It means that based on last year's fishery it would have the herring fishery on GB closing mid-September maybe and the year before it would have us closing in early September. September is an extremely important month to the herring fishery and those people that rely on bait landings in NE so there's a very big issue for the state of Maine and if you look at the overall landings from the fishery at that time of year, but because of the way it's reported on the GARFO website I might not have the right numbers, but we landed approximately 750 mt in the inshore GOM due to spawning restrictions for the month of September last year and approx. 7000 mt from area 3. If that fishery is lost to the bait market our feeling is a company that owns 2 vessels that operate the fishery but also is one of the largest bait dealers in the state of ME. The gentleman who runs it called it catastrophic. Since this is a Groundfish issue I thought it would be valuable to discuss this issue. Since we're talking about stock assessments, we continue to have issues with them. The schedule of updating stock assessments. In this particular instance we have 2 assessments for GB haddock that don't line up. In the US we have a benchmark assessment in 2012 that used data through 2010. When that assessment was done they saw the 2010 year class was very high but it was the terminal year of the assessment and as they often do they down weighted that due to the uncertainty associated with that. Then there is the TRAC assessment which assesses only a portion of the area the EGB portion, and that gets updated on an annual basis so as that update goes on they've continued to see the 2010 year class and the 2011 year class appears to be fairly strong as well. That stock assessment provides numbers that are much higher than what we use in the US. When we combine process with Canadians last year, 70% of the allocation went to the Canadians based on the formula and when we bring it back to the US we just subtract that from a biomass that's lower than the other. Even though all indicators are that GB at least in the eastern area, is that it has increased but what results is that the US ABC goes down. We haven't been catching all of the US ABC for GB haddock. It's starting to go up for the directed fishery and that's excellent. I would add that trying to adjust the percentage of the sub-ACL for the herring fishery is going to be problematic and there would be a lot of resistance to that. We could think about the way that the AM is administered for this particular sub-ACL and we do have an example in the sub-ACL for the GB yellowtail flounder in the scallop fishery. It may provide an opportunity to make an adjustment that would work here. In that particular case, the AM for the scallop fishery is implemented if the total ACL is exceeded and the scallop cap is exceeded or the cap was exceeded by more than 50% in the scallop fishery. The overall plan of having the ACL go up and

down with the biomass estimates is a good plan but we're stuck in between two assessments that don't line up.

- Gerry O'Neill, Western Sea Fishing Company, Gloucester, MA— I agree with that Ms. Tooley said. I'm very concerned about the bait situation but I'm also concerned about mackerel. We haven't been catching much mackerel the last couple of years but we're definitely starting to see more mackerel but seeing it further north. Any mackerel we caught this year was on GB and if we don't have some kind of a cap for haddock on GB then we can't prosecute the fishery there at all. It is catastrophic.

A Committee member did not think it was acceptable for the mid-water trawl fleet to catch the remainder of the GB haddock quota because of significant impacts to the stock from the 2.5 inch mesh used. It was thought that this would reduce the number of haddock recruiting to the Groundfish fishery if the majority of them were removed at smaller sizes. A Committee member offered to bring port sampling data from New Bedford, MA to the Council meeting to inform this discussion. The member of the public considered observer data to be the more appropriate data source to examine. A Committee member was concerned about the impact on the lobster industry if bait (herring) becomes limiting; if the Emergency Action was not approved then other measures could be developed.

A Committee member was opposed to this action; the Groundfish fishery has dealt with large reductions in quota and worked around it. Staff informed the Committee that the Council Executive Director prepared a memo to provide some background on this issue. A Committee member requested that the NEFSC provide updated information regarding the distribution of haddock in the water column as it was thought they were found higher up in the water column.

A Committee member intended to discuss plaice and grey sole benchmark assessments under reports at the June 2014 Council meeting. The NRCC requests assessments and the NEFSC agrees but this Committee member wanted to provide some guidance on this issue.

The meeting adjourned at 5:02 pm.