



New England Fishery Management Council

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MEETING SUMMARY

Groundfish Advisory Panel

Holiday Inn, Portland, ME

November 12, 2015

The Groundfish Advisory Panel (GAP) met on November 12, 2015 in Portland, Maine to discuss: (1) development of Framework Adjustment 55 (FW55), an action to set specifications for all stocks in the Northeast Multispecies (groundfish) Fishery Management Plan (FMP) for FY 2016 – FY 2018 including US/CA stocks for FY 2016, changes to the At-Sea Monitoring (ASM) program and other measures, (2) recommendations to the Groundfish Committee for 2016 Council priorities, and (3) other business as necessary.

MEETING ATTENDANCE: Mr. Bill Gerencer (Chairman), Ms. Jackie Odell (Vice Chair), Mr. Richard Canastra, Ms. Maggie Raymond, Mr. Paul Parker, Mr. Ben Martens, Mr. Geoff Smith, Mr. Hank Soule, Ms. Bonnie Brady, Dr. Jamie Cournane, and Mr. Jonathon Peros (NEFMC staff). In addition, 3 members of the public attended.

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) meeting memorandum dated November 9, 2015; (2) Meeting agenda; (3a) FW55 Draft Action Plan; (3b) Draft FW55 Alternatives, dated November 10, 2015; (3c) Stock Assessment Update for 20 Northeast Groundfish Stocks, including peer review reports (NEFSC, October 2015); (3d) PDT memo to SSC and CC the Groundfish Committee re: Groundfish ABCs and OFLs for FY 2016-FY2018, October 9, 2015; (3e) Scallop PDT to the Groundfish PDT re: projections of bycatch in Scallop FW27, dated November 9, 2015; (3f) FW55 presentation; (4) Groundfish Priorities presentation; (5) GAP meeting summary, September 2, 2015; (6) FY2014 Final Year-End Groundfish Catch Report, GARFO; (7) Correspondence.

KEY OUTCOMES:

- The GAP is concerned with the volatility of groundfish stock assessments, and requests that the current stock assessment process be modified to allow the GAP to provide information to the SSC when it is considering OFLs/ABCs.
- The GAP strongly emphasizes the need to improve assessments rather than more operational assessments, which would include less retrospective concerns, using improved data such as

industry-based information (CPUE, surveys, industry observations and experience), incorporating ecosystem dynamics, better model diagnostics, and improved model residuals.

- The GAP recommends a delay in the final decision on the witch flounder ABC until the SSC can take input from the industry on the impacts of the ABC that is currently recommended.
- The GAP recommends the development of scallop fishery sub-ACLs (and associated AMs to be developed by the Scallop Committee) for Southern New England/Mid-Atlantic winter flounder and Northern Windowpane for inclusion in FW 55.
- The GAP recommends that a scallop fishery SNE/MA yellowtail flounder sub-ACL be set at 90% or less of the scallop fishery's estimated catch.
- The GAP supports the following measures in FW55:
 - The implementation of an additional sector (Section 4.2.1, Option 2)
 - Streamlining of the sector approval process (Section 4.2.2, Option 2)
 - Modifying the definition of a haddock separator trawl (Section 4.2.3, Option 2)
 - Measures which facilitate the transfer of EGB cod to the western fishery (4.3.2, Option 2)
- The GAP recommended developing a new ASM alternative that would fix coverage rates at a level lower than 20%.

The meeting began at 9:38 am after a quorum was reached.

Presentation on Framework Adjustment 55 (Dr. Cournane)

The meeting began with a presentation on Framework Adjustment (FW) 55. The goals of the Advisory Panel's (AP) discussion were to discuss and potentially recommend specific alternatives to the Groundfish Committee. Framework 55 was initiated in June of 2015, and the Council is scheduled to take final action at its December meeting. The scope and objectives of the action include updates to the status and specifications for all groundfish stocks, modifications to fishery program administration, and adjustments to commercial and recreational management measures.

Staff provided an overview of discussion from the SSC meeting held on October 13 and 14, 2015, explaining that the final SSC report was still forthcoming ([Final report](#)). Staff noted that there are several expected changes to the status of several stocks based on the 2015 update assessments, including Atlantic halibut, southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder, Georges Bank (GB) winter flounder, and Gulf of Maine/Georges Bank (GOM/GB) windowpane flounder, GB cod. There were no changes to the criteria for determining stock status. The annual catch limit (ACL) specifications in FW 55 incorporate US/CA quotas and are based on the NEFMC's Science and Statistical Committee (SSC) recommends of OFLs and ABCs. As part of FW 55, the PDT evaluated the distribution of sub-component, state waters, and Canadian catches. After reviewing potential changes in the commercial and recreational sub-ACLs between fishing year (FY) 2015 and FY 2016, Council staff explained the likely range of alternatives in to fishery program administration (Section 4.2), and adjustments to commercial and recreational management measures (Section 4.3). The GAP reviewed preliminary commercial groundfish sub-ACLs for FY2016, which incorporated the PDT's sub-component review.

Questions and Comments on the Presentation:

The GAP noted that there are several stocks which will not meet their rebuilding deadlines based on the results of this assessment, and the SNE/MA yellowtail flounder will need to begin a rebuilding plan based on the change in status to overfished and overfishing. There were also questions about instances when a rebuilding timeline has passed, and the stock is not rebuilt. Staff explained that the Council will receive correspondence from NMFS regarding rebuilding timelines, and that the Council will have time to respond to this notice. The AP would like to have rebuilding plans discussed at the next Council meeting.

The GAP also highlighted the increase in the number of assessments with retrospective patterns. Council staff attended the peer review and explained that there was not conclusive evidence pointing to a particular issue within the assessments that would result in this increase.

One advisor expressed frustration about the poor performance of the assessments, increases in retrospective errors in assessments that had previously exhibited a retrospective pattern, and the time gap between benchmark assessments using witch flounder as an example. In general, retrospective patterns were more prevalent and more severe. Concern was expressed about the perceived downturn of SNE/MA yellowtail flounder. GAP members raised questions as to why this (SNE/MA yellowtail) assessment was not rejected after performing poorly. Multiple advisors were alarmed by what they described as the general poor performance of the 2015 assessment updates in both directions (increases and decreases in OLFs & ABCs), and a lack of discussion about what can be done to improve the models going forward. The AP felt that they needed accurate advice on the true status of the stocks, and that the data inputs need to match the assessment models. Chasing highs and lows in the assessments is not leading to the level of stability that is needed in the fishery.

Motion #1: Soule/Canastra

The GAP votes to express no confidence (i.e., volatility in highs and lows, lack of stability) in the latest round of groundfish stock assessments.

Rationale: The results of the latest round of stock assessments are not only divorced from the reality of what fishermen are seeing on the water, they are now increasingly at odds with prior assessments and show decreasing predictive ability.

Discussion on the Motion: The AP discussed what could be recommended as a solution to the volatility in the latest round of stock assessments, such as different stock assessment methodologies or catch per unit of effort metrics into the assessment. Speaking in favor of the motion, an advisor felt that irrespective of the solutions the GAP could recommend, the results of the 2015 assessments would cripple the groundfish industry. The maker of the motion explained that part of their intent with his motion would be to lay the groundwork for other GAP motions aimed at addressing assessment issues.

Motion #1 carried on a show of hands (7/0/1).

Motion #2: Soule/Raymond

The GAP requests that the Groundfish Committee recommend that the current assessment process be modified to enhance the GAP's role in the assessment process.

Rationale: For example, the GAP would convene prior to the SSC meeting to provide information for the SSC to consider when recommending OLFs/ABCs. The example of the SSC's discussion in 2014 of the GOM cod ABC was identified as a time when the GAP was asked for additional input.

Motion #2 carried on a show of hands (8/0/0).

Motion #3: Odell/Soule

The GAP strongly emphasizes the need for improved assessments rather than more assessments, which is being followed under the Operational Assessment ("turning of the crank") process.

Rationale: The GAP provided examples of what improved assessments means to them: better model diagnostics, improved model residuals, less retrospective concerns, using improved data such as industry-based information (CPUE, surveys, industry observations and experience), and incorporating ecosystem dynamics.

Discussion on the Motion: The Advisors noted that the Northeast Fisheries Science Center is conducting outreach to industry. The maker of the motion explained that they felt that these meetings have not resulted in any changes to the overall process. One advisor suggested the improvements could be made by adding new data streams into existing assessment models, giving the example of the NEMAP survey. Building on the point about updating data inputs, a global comment was made that more industry-based data should be incorporated into the assessments. Another advisor felt that the assessments could be a better job of incorporating environmental factors.

Motion #3 carried on a show of hands 8/0/0.

Motion #4: Raymond/Odell

The GAP recommends to the Groundfish Committee that the Council delay final decision on the witch flounder ABC until the SSC can take input from the industry on the impacts of the ABC that is currently recommended.

Rationale: The GAP does not want to the delay final action on FW 55, but the GAP wants further discussion on the witch flounder ABC. One suggestion was that the witch flounder ABC might be adjusted through an Emergency Action during the 2016 fishing year.

Discussion on the Motion: The Advisors noted that the groundfish sub-ACL for witch flounder is reduced to account for state waters and other sub-component catches. Staff explained the PDT's process for calculating those estimated catches. An Advisor felt that there should be accountability measures for other fisheries (there are none currently), particularly those which have a large proportional share of the witch flounder ACL. More concern was expressed about the impact that a low witch flounder ACL would have on the commercial industry. Industry members felt that additional information could be brought forward quickly.

Motion #4 carried on a show of hands 8/0/0.

Presentation Continued:

Staff explained that there were no changes to the status determinate criteria in the FW, and that the annual catch limits (ACLs) incorporate U.S./Canada quotas as well as SSC recommendations for OFLs and ABCs. The ACL calculation includes PDT recommended estimates of catch from state waters and other fisheries, which is taken off the top before a given stock is allocated to the groundfish fishery. Staff provided a range of scallop fishery sub-ACLs of SNE/MA yellowtail flounder for the advisors to consider. Staff explained that the allocation is based on the estimated catch by the scallop fishery.

Motion #5: Raymond/Parker

The GAP recommends that the Groundfish Committee develop Scallop fishery sub-ACLs (and associated AMs to be developed by the Scallop Committee) for Southern New England/Mid-Atlantic winter flounder and Northern Windowpane for inclusion in FW 55.

Rationale: The current PDT recommendation is that 60% of the Northern windowpane flounder ABC would go to the other-component catch, which is mostly scallop fishery catches. Recent SNE/MA winter flounder catches by the Scallop fishery are also high. During the development of FW 53, work for the sub-ACL for Northern windowpane flounder was started. This information/approach could be used to develop the sub-ACLs.

Discussion on the Motion: It was clarified that the estimated catch of the scallop fishery is deducted from the ABC before the groundfish ABC is calculated. The groundfish ABC is then reduced by 7% to account for management uncertainty. Staff explained that AMs only apply if the *overall* ACL is exceeded. The AP discussed the potential timing of implementing AMs for the scallop fishery if the Council adopted a sub-ACL for the stock. A member of the AP felt that both stocks of windowpane flounder are in need of a benchmark assessment.

Motion #5 carried on a show of hand 8/0/0.

Discussion on SNE/MA Yellowtail Flounder scallop sub-ACL:

Staff explained that in all years but one, the scallop fishery has been allocated 90% of its estimated catch of SNE/MA yellowtail. This estimate is developed by the scallop PDT, and accounts for spatial management used in the scallop FMP (opening and closing of access areas). Staff walked through available information on yellowtail catch for the AP, and outlined the range of approaches that the Council uses to set scallop sub-ACLs (estimated catch for SNE/MA YT and fixed percent for GB YT and SNE/MA Windowpane).

Motion #6: Raymond/Odell

In Section 4.1.2 (Annual Catch Limits) under 4.1.2.2 (Option 2: Revised Annual Catch Limit Specifications – Scallop Fishery sub-ACL for SNE/MA yellowtail flounder), the GAP recommends to the Groundfish Committee that the SNE/MA yellowtail flounder sub-ACL for the Scallop fishery be set at 90% or less of the scallop fishery’s estimated catch.

Rationale: The GAP feels that a reduction in the projected catch to specify the sub-ACL is needed to incentivize the Scallop fishery to reduce catches of SNE/MA yellowtail flounder. An allocation of 90% of estimated catch is consistent with the Council’s approach in recent years.

Discussion on the Motion: Responding to a question about the in-season transfer of yellowtail flounder from the scallop fishery to the groundfish fishery, staff explained that if NMFS determines that less than 90% of the scallop ACL will be caught, it may transfer either (or both) SNE/MA and GB yellowtail allocation to the groundfish fishery. A change in the timing of the scallop fishing year may impact the timing of an in-season transfer of yellowtail flounder.

Motion #6 carried on a show of hands (7/0/1).

Presentation Continued:

Council staff provided an overview of the management measures in FW55 relating to fishery program administration (Section 4.2 of the document), as well commercial and recreational fishery measures in Section 4.3.

Motion #7: Raymond/Parker:

The GAP supports Option 2 in each of these sections: 4.2.1 (Implementation of an Additional Sector), 4.2.2 (Sector Approval Process), 4.2.3 (Modification to the definition of a haddock separator trawl), and 4.3.2 (Management Measures for US/CA TACs).

Discussion on the motion: The GAP revisited a conversation that began at an earlier meeting about the ability of net makers and fishermen to procure twine of contrasting color to comply with any potential modifications to the definition of the haddock separator trawl. Concern was expressed about the costs

associated with modifying the haddock separator trawl and availability of certain colors of twine. However, an AP member stated that many fishermen fishing the haddock separator already use a separator panel of contrasting color. Speaking in favor of the motion, an AP member felt that the ability to move GB cod allocation from the eastern area to the western fishery would be helpful to fishermen given the low GB cod quota. Another member of the AP stated that this measure would provide fishermen with the flexibility to fish their quota how they see fit, and noted that it is a one way transfer from the eastern area. A member of the AP felt support of these measures should be unbundled to allow for votes on each, and noted that they supported some, but not all of the above measures.

Motion #8 to split (Martens/Smith):

Motion #8 failed on a show of hands (2/5/1).

Motion #9: Back to Motion 7:

The GAP supports Option 2 in each of these sections: 4.2.1 (Implementation of an Additional Sector), 4.2.2 (Sector Approval Process), 4.2.3 (Modification to the definition of a haddock separator trawl), and 4.3.2 (Management Measures for US/CA TACs)

Rationale: The GAP noted that creating sectors through a Council action is cumbersome, and that GARFO approval of sectors after consultation with the Council would streamline the sector approval process. The ability to move EGB cod to the western fishery would afford fishermen greater flexibility to harvest and manage their quotas.

Discussion on the motion: An AP member expressed concerned about the ability to transfer fish when there are two different methods used to assess the GB stock (VPA .8 model/ASAP .2 model). Another AP member was concerned about the impact that this could have on lease prices.

The main motion (#9) carried on a show of hands (8/0/0).

Motion #10: Parker/Soule

To modify Option 2 in section 4.3.1 so that vessels on a sector trip would be exempt from ASM coverage when using a) 10 in mesh or greater and b) for when fishing in the dogfish exemption area (Nantucket Lightship only) on the same trip.

Rationale: This modification would provide relief from ASM coverage on sector trips that are targeting skates and dogfish.

Discussion on the Motion: Staff briefed the AP on ongoing analyses focused on determining groundfish catch on sink gillnet trips fishing a mesh size of 10" or greater. An AP member was concerned about the potential impacts of excluding a sub-set of sector trips from ASM may impact overall coverage requirements for the rest of the groundfish fishery. A member of the public, Mr. Nick Mudo (F/V Dawn T, Chatham, MA) explained to the AP that fishermen would like the flexibility to target skates and dogfish on the same trip in areas where they encounter little or no groundfish. Mr. Mudo explained how the skate and dogfish fisheries are prosecuted, and noted that dogfish fishing on sector trips occurs within the footprint of the existing dogfish exempted fisheries to the east and south of Cape Cod. The AP proceeded with a lengthy discussion about the interplay between current ELM alternative in FW55 and existing fishery exemptions.

Motion #10 carried on a show of hands (7/0/1).

Presentation Continued:

Council staff walked through the prioritization alternative, which would use a set of criteria to prioritize ASM coverage. Staff described the various steps used to determine whether or not a stock/species would meet each criteria using a flowchart, and provided examples from FY2014 and FY2015. The performance criteria used in this option are stock status, discards as a percentage of catch, and catch as a percentage of the sub-ACL.

Discussion on the Presentation: The AP discussed the potential for setting coverage levels on an annual basis, or perhaps using a multiple years of data. Staff also clarified that the current intent of this approach would be to work through this analysis on an annual basis when determining ASM coverage levels. A member of the AP was concerned that this approach may create additional uncertainty when setting ASM coverage. Another advisor noted that many stocks have ABCs and ACLs that are constant over a three year period, and explained that while revenues from those stocks are likely to be constant over that time period. This approach may introduce volatility in setting ACLs year to year, where industry could be on the hook for paying for much higher ASM coverage in year two, when revenues are expected to be close to flat. Council staff described what the expected ASM coverage rates would be for FY2016 (assuming no change to how ASM coverage rates are determined).. Staff noted that this information was preliminary, and that it was the first time that the GAP was seeing the information. The GAP discussed preliminary coverage rates, but multiple members felt that it was very difficult to provide meaningful input without being able to review the information ahead of time. The AP also noted that current process used by NMFS to calculate ASM coverage rates is difficult to understand. Multiple AP members felt that the concept of maximized retention could be fruitful in the fishery, but did not pursue the conversation due to concerns about the time need to flesh out ideas. They suggested that the GAP devote a full day to discussion retention.

Motion #11: Raymond/Odell:

The GAP requests that the Committee recommend development of an ASM alternative that would set a fixed total (NEFOP+ASM) coverage rate (in a range of %) at a level lower than 20%.

Rationale: Fixing the ASM coverage rate at a level that is consistent with the goals and objectives of the groundfish monitoring program is a more effective way to achieve monitoring goals and objectives than the current approach setting ASM coverage annually using CVs achieved two years ago.

Discussion on the Motion: An AP member felt that coverage should be spread across important strata (gear/stock/area) that contribute to high CV estimates.

Motion #11 carried on a show of hands (7/1/0).

Discussion of Monitoring: There was a lengthy discussion which underscored the AP's collective concern with the volatility of the prioritization approach to setting ASM coverage levels. An AP member floated the idea of using an assumed discard rate (3x was the example) in combination with other approaches to set ASM coverage levels. Multiple members of the AP commented that many of the CVs achieved in recent years had been well below the CV30 requirement. Some members of the AP felt that an analysis of the benefits that ASM has provided to the fishery should be conducted (referencing the June 2015 Council motion requesting a cost/benefit analysis be performed by NMFS).

2016 Priorities Discussion (Dr. Cournane):

Ahead of the AP's discussion on 2016 priorities, staff provided an overview of the potential priorities for 2016, as well as highlights from AP discussions on priorities in 2013 and 2015 (Document #4).

Motion #12: Raymond/Odell

The GAP recommends that the Committee recommend the following as a top groundfish priority for 2016: development of a new rebuilding schedule for SNE yellowtail, and any other stocks that may not meet the current rebuilding schedule (e.g. witch flounder, GB winter flounder, Northern Windowpane).

Rationale: These stocks will likely need new rebuilding plans, and there is some uncertainty as to how NMFS plans to handle the outcomes of the most recent assessments. Establishing new rebuilding plans needs to be a top priority for the Council.

Motion #12 carried on a show of hands (7/0/0).

Motion #13:

The GAP prioritized the list of possible annual and multi-year priorities for 2016.

Annual Year

1. Set specifications for US/CA stocks for 2017
2. Rebuilding plans
3. ASM Action – Amendment or Framework
4. Adjust exemption areas as necessary due to OHA2 changes (GenCat sea scallop, whiting, etc.; may be better addressed by other Committees)
5. Windowpane flounder management alternatives
6. Modifications to common pool regulations: trimester quota changes, HA exemptions from broad stock area provisions
7. Recreational management measures process
8. Recreational management measures and possible sub-ACL for GB cod
9. Staff: Work with ASMFC Lobster TC on groundfish bycatch in lobster traps

Staff: Five Year Sector Review

Staff: TMGC/TRAC

Multi-Year

1. Develop alternative strategies for setting catch advice for stability in ACLs
2. Process for review of groundfish catch in other fisheries
3. Develop limited access program for the party/charter fishery
4. Staff: Cod Stock Structure Working Group

Discussion on the Motion: The GAP discussed the ranking of 2016 priorities. The GAP recommended that groundfish monitoring be a top priority in 2016. Another AP member felt that the adjustments to exemption areas post Omnibus Habitat Amendment were critical. Some members of the GAP did not feel that it was appropriate to weigh in on recreational priorities. The AP did not remove any priorities from the draft list.

Motion #13 carried on a show of hands (7/0/0).

The GAP thanked Mr. Bill Gerencer for his service and leadership on the GAP. There was no *other business*.

The meeting **adjourned** at 3:46 pm.