



## New England Fishery Management Council

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## MEETING SUMMARY

### Groundfish Committee

DoubleTree by Hilton, Danvers, MA

January 25, 2018

The Groundfish Committee (Committee) met on January 25, 2018 in Danvers, MA to discuss and make recommendations on: 1) recreational measures for fishing year 2018 for Gulf of Maine cod and Gulf of Maine haddock, and possibly Georges Bank cod; 2) the control date for the charter/party fishery; 3) the Council's Groundfish priorities for 2018; 4) progress on Amendment 23/Groundfish Monitoring; and 5) other business, as necessary.

**MEETING ATTENDANCE:** Terry Stockwell (Chairman), Terry Alexander (Vice Chair), Rick Bellavance, Mark Godfroy, Sarah Heil (GARFO), Steve Heins (MAFMC), Peter Kendall, Meredith Mendelson (proxy for Patrick Keliher), Matt McKenzie, Laurie Nolan (MAFMC), John Pappalardo, Melanie Griffin (proxy for David Pierce) and Mitch MacDonald (NOAA General Counsel); Dr. Jamie Cournane and Robin Frede (NEFMC staff); Ben Martens (GAP Chair); and Frank Blount (RAP Chair). In addition, approximately 9 members of the public attended, including Mark Grant, Emily Keiley, and Liz Sullivan (GARFO).

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated January 9, 2018 and meeting agenda; (2) Presentation: Council staff; (3) Recreational measures for fishing year 2018 discussion documents, NEFSC staff; (4a) Recreational Advisory Panel Motions/draft meeting summary, November 14, 2017; (4b) Groundfish Committee Motions/draft meeting summary, November 29, 2017; (4c) Groundfish Advisory Panel Motions/draft meeting summary, November 28, 2017; (4d) Draft Recreational Advisory Panel Motions, January 24, 2018; (5) Amendment 23 – Groundfish Monitoring – updated date outline prepared by the PDT of the likely range of alternatives; (6) Correspondence.

The meeting began at 9:04 a.m.

***KEY OUTCOMES:***

- The Committee recommended Status Quo (“Option 0”) management measures for Gulf of Maine cod and Gulf of Maine haddock for fishing year 2018. Status quo recreational measures are:
  - Cod: no possession year-round
  - Haddock: 12 fish, 17 in minimum size, and closed March-April 14 and September 17-October 31
- The Committee recommended a revised control date for the charter/party groundfish fishery as the date of publication of the notice in the Federal Register.

***AGENDA ITEM #1: OTHER BUSINESS***

The Chair announced that the Executive Committee would be holding its meeting the following day at the DoubleTree as well.

Ms. Heil announced that the total (ASM and NEFOP) coverage level for FY 2018 is 15%, although the NEFOP coverage level is not yet known, and that they did not anticipate a NMFS reimbursement for ASM costs for FY 2018.

*Questions:* One Committee member asked whether there is a possibility that fines collected for fishing violations could be used to fund enforcement and other monitoring provisions. Ms. Heil explained that these fines go into funds to be used for enforcement, but this would not be at-sea monitoring costs as that is not an enforcement provision. Mr. MacDonald further clarified that there is a specific provision for using enforcement fines for funding enforcement use only, and that there is a general fund for electronic monitoring (EM) but that is a nation-wide program. Another Committee member asked whether adhering to annual catch limits (ACLs) could be considered enforcement. Mr. MacDonald explained that this is considered a monitoring or management provision and is not specifically enforcement.

***PRESENTATION: RAP REPORT, MR. BLOUNT***

Mr. Blount provided a brief summary of the discussions from the RAP meeting held January 24, 2018, which included recommendations for FY 2018 recreational measures for Gulf of Maine (GOM) cod and GOM haddock, and possibly Georges Bank (GB) cod. He explained it was a difficult discussion because while haddock and cod ACLs are both increasing for FY 2018 the recreational fishery won’t realize any of this. Mr. Blount went over the RAP’s motions, giving explanations for why they did or did not pass. He explained that the RAP requested an additional model run with a lower size limit for haddock, in an interest to try to realize more of the haddock annual catch limit (ACL). He explained that the RAP did not recommend Option 1 for measures because they didn’t feel it was right to tell the state of Massachusetts what to do. He said they recommended Option 0 (Status Quo) because they don’t want a May closure and also didn’t want to be on record telling Massachusetts what to do. Mr. Blount explained the RAP’s motion to verify effort and catch data for the Gulf of Maine stocks is due to the RAP’s feeling that there are data errors and that they want to explore why the measures don’t seem to be working for the

GOM. For the motion to recommend a revised control date for limited entry in the charter/party fishery, he explained that while not everyone on the RAP is in favor of limited entry, they do want to update the control date to move ahead on public hearings. He also said he tried to make it clear that the control date isn't as important as the criteria used. Staff further explained that they had cautioned the RAP that the control date is not typically done by pushing the date out if they are concerned with a lot of people getting into the fishery, but explained that the RAP was more concerned with refreshing the date.

Questions and Comments on the Presentation:

One Committee member asked if the RAP discussed GB cod and noted the question of believability of the large increase in catch for 2016. Mr. Blount explained that the RAP did discuss GB cod but didn't recommend anything further for measures. He said they did discuss the data and said another issue the RAP noted was that several years show almost zero catch, which is not likely to have occurred.

***PRESENTATION: FY2018 RECREATIONAL FISHERY PROJECTIONS, DR. COURNAINE***

Staff provided an overview of the bioeconomic model run by Scott Steinback (NEFSC) that uses catch and effort data to analyze different options for recreational measures and determine whether they are likely to keep the recreational catches below the sub-ACLs. Staff emphasized again that the RAP had a difficult discussion on possible recreational measures since they expected a haddock access increase with the large increase in GOM haddock ACL, but in reality, they are restricted by cod. Staff explained that the RAP isn't asking to increase the haddock bag limit but does want it to remain the same as last year

***AGENDA ITEM #2: RECREATIONAL MANAGEMENT MEASURES FOR FY2018***

**Recreational Measures for Gulf of Maine Cod and Gulf of Maine Haddock**

Questions and Discussion:

One Committee member noted that the problem in setting measures is not haddock itself but the fact that cod is being caught and discarded while targeting haddock, and asked how to get measures that actually address the problem of reducing cod catch. Staff explained that part of the problem is that it had been discovered that private anglers have been landing cod in Massachusetts but had been fishing in federal waters and so there is an outreach problem, and explained that this is why Mr. Steinback suggested an option with closed Massachusetts state waters cod. The Committee member also asked about the possibility of recreational closed areas. Staff explained that they have asked Mr. Steinback in the past about introducing closed areas to the model and that this would take a lot of work to incorporate. Staff also said that there has been work to look at new closures for cod within the Omnibus Habitat Amendment 2 (OHA2) and that they don't yet know what the cod savings will be from OHA2 closed areas in Massachusetts Bay. However, staff explained that recreational closed areas are generally an unpopular option.

Mr. Blount also pointed out the other issue explaining the higher cod discards last year is that cod weight, which is used in the bioeconomic model, went up from 2016 to 2017, and so as a result the catch value went up even though anglers are encountering less fish.

One Committee member noted the increase in catch estimates of cod from 2017 to 2018 and asked what had changed to cause this. Staff explained that it is difficult to estimate private angler catch, and said that perhaps private anglers are not going to areas where they can avoid cod as for-hire vessels would do. The Committee member also asked if there are any measures that looked at reducing the possession limit for private anglers, since there seems to be an increasing number of them each year and they account for most of the cod catch. Mr. Grant explained that Mr. Steinback updates the model with new information which includes the higher fish weights and also the increase in encounters, and explained that the increased catch from private anglers may be explained by the fact that there are more fish available and so there is a higher probability of encountering cod, which explains why the same measures this year have a lower probability of staying under the sub-ACL. Mr. Blount said that the model has looked at the impact of bag limits and closed areas in the past and asked whether those were included this year. Ms. Keiley explained that Mr. Steinback did look at different bag limits although this didn't help avoid cod, but he did not look at the impact of closed areas for split measures between fishing modes. Mr. Grant also said that an issue with split measures is that since there is one total sub-ACL it's difficult to come up with a target for each mode, and said that while it is possible to run these options in the model Mr. Steinback will have to make decisions and assumptions around this.

One Committee member said that it seems like these measures are contingent on what Massachusetts will do and asked when they will know what the state plans to do. Ms. Griffin said that Massachusetts has a public process for changing its measures that it will follow, and explained that the state also has concerns about the data including questions about how dead discards have been treated, and noted enforcement issues of people landing cod in Massachusetts from federal waters. She said they will be presenting some of these questions to the public during the comment period. Ms. Griffin explained that the decision to leave the one cod possession measure for the state in 2015 was done out of a concern for losing access to a public resource. Mr. Blount said the Committee should keep in mind that they are recommending to NMFS what they'd like for measures, but NMFS will not approve something that won't meet the objectives, and said that he normally wouldn't support something that won't meet objectives but is hoping in this case to send a message to Massachusetts. Ms. Heil said that for recommendations that don't appear on paper to achieve the objectives it will be important for the Committee to include rationale for why it feels the measures could meet the objectives, and explained they could support an "if/then" scenario as well as ask to explore additional model runs.

## **Motion #1: Godfroy/Bellavance**

The Groundfish Committee recommends to the Council Status Quo (“Option 0”) management measures for Gulf of Maine cod and Gulf of Maine haddock for fishing year 2018. Status quo recreational measures are:

- Cod: no possession year-round
- Haddock: 12 fish, 17 in minimum size, and closed March-April 14 and September 17-October 31

*Rationale:* When examining the options, the maker and seconder of the motion felt that updated information and potential changes in regulations may result in lower catches of Gulf of Maine cod than projected in the bioeconomic model. These issues include: 1) if the State of Massachusetts decides to change their Gulf of Maine cod possession limit from 1 to 0 fish in state waters Gulf of Maine cod, 2) addressing enforcement and outreach concerns in federal waters of the no possession limit for Gulf of Maine cod, and 3) using updated 2017 data when available in the model (rather than 2016 as a proxy for some waves– since 2016 data is expected to be higher). In addition, wave 6 (November -December) 2016 MRIP data was higher than expected for several stocks (black sea bass, Georges Bank cod) in New England and the Mid-Atlantic. In addition, once implemented, the Massachusetts Bay Spawning Protection Area may result in reduced recreational catches of Gulf of Maine cod from November 1 to January 31.

*Motion #1 carried on a show of hands (6/0/5).*

## **Recreational Measures for GB Cod**

Staff explained that the Plan Development Team (PDT) had developed measures and there were no further recommendations from the RAP. Staff said the process would be that the Council would need to approve any Regional Administrator (RA) recreational measures for GB cod. Mr. Blount pointed out that the rationale for harmonizing measures for GB cod with GOM cod is not the best rationale since there is zero possession for GOM cod.

*No further discussion or motions.*

## ***AGENDA ITEM #3: CONTROL DATE FOR THE CHARTER/PARTY FISHERY***

Staff provided background information and explained that the discussion of a revised control date lets the public know that this is on the table for change.

Questions and Discussion:

One Committee member said that picking a control date in the future isn't a normal part of the process, and said he thinks the date should be the date of Federal Register publication as is the normal process.

**Motion #2:** Alexander/Pappalardo

The Groundfish Committee recommends to the Council a revised control date for the charter/party groundfish fishery as the date of publication of the notice in the Federal Register.

*Motion #2 carried on a show of hands (11/0/0).*

**AGENDA ITEM #4: 2018 COUNCIL GROUND FISH PRIORITIES**

Staff provided an overview of the 2018 Council priorities for Groundfish.

Questions and Discussion:

One Committee member asked what is on the agenda for the April Council meeting for groundfish, since the Three-Meeting Outlook is currently blank for April. Staff explained that for April they are hoping to bring the draft alternatives for Amendment 23 as well as plan out activities for the year and said the Outlook would be updated soon. Staff also explained that June is typically when the next framework is initiated. The Committee member asked whether they will know what monitoring coverage levels are necessary for accuracy and precision by the April Council meeting, or whether they will be developing the draft alternatives and then wait for final coverage information. Staff said that they are planning to bring a first look at the draft alternatives to the April meeting, and then if anything else needs to be addressed this would be done between April and June for the June Council meeting. Mr. Blount asked if while scoping for limited entry for the charter/party fishery they could add permitting for private vessels, as he thinks this is something that would help with the uncertainty around private angler data. One Committee member asked whether the Saltwater Registry already provides this information. Mr. Blount said that it does but is not a precise.

*No motions made.*

**PRESENTATION: PDT REPORT ON A23, MS. FREDE**

Staff presented a brief update on progress with Amendment 23 (A23) and walked through the updated draft outline of the likely range of alternatives prepared by the PDT, which includes input from the Groundfish Advisory Panel on November 28, 2017 and the Committee on

November 29, 2017. The goals of the Committee's discussion were to review and make recommendations on the updated draft outline of the likely range of alternatives for A23.

***AGENDA ITEM #5: AMENDMENT 23/GROUNDFISH MONITORING***

***Questions and Discussion:***

One Committee member asked if it clear that A23 applies to groundfish sectors and common pool, or whether it also applies to other fisheries that catch groundfish. Another Committee member said that he agrees it's good to recognize that most fisheries interact with groundfish, but that it's important to make progress with A23 by focusing on the groundfish fishery first or it will never get done. The Committee member also said he is willing to work towards a draft list of alternatives but says they will need a target for accuracy and precision of monitoring data, and said that without knowing the target it will be difficult to focus alternatives and choose from these. Staff explained that the PDT will look at a range of coverage levels and analyze impacts on biology, etc., rather than choose a target coverage level, and pointed to an example in a recent Herring FMP action in which the Herring PDT looked at a range of coverage levels and analyzed these in terms of tradeoffs. Another Committee member asked that in discussing potential monitoring coverage if there has been any discussion of uncertainties. Staff said that it would be helpful for the Committee to provide direction to the PDT to explore these tradeoffs in different monitoring coverage levels, and said that the PDT first needs to write up the No Action alternatives to describe what the sector monitoring program does currently and then begin developing the alternatives. Staff emphasized that the goal now is to make sure the PDT and Advisory Panel and Committee are all on same page for the alternatives.

One Committee member acknowledged that it is difficult for the Committee to make decisions now because there has been no further PDT work recently on A23 since they had been focused on Framework 57, and explained that the expectation is that the PDT will expand this draft outline and begin the analysis to help develop these alternatives. She also said that follow-up on PDT white paper analyses related to monitoring would be helpful to have going forward. One Committee member said that when picking a number for coverage they will need to consider whether they will get any more accurate information out of the increase in cost for higher coverage. Another Committee member pointed out that the PDT white paper includes work that looked at whether you could say at what point in coverage level any gain in benefits is lost. Staff said that if it would be helpful for the Committee to have PDT members say where they are with various analyses, these can be brought to the next meeting. Several Committee members agreed that they should look at the PDT white paper at the next meeting as this will be helpful to direct the alternatives moving forward. Staff said they can check in with PDT members but cautioned that additional white paper analyses not distract from development of the alternatives. One Committee member expressed concerns about the fishery dependent data working group concept and the worry that this will supplant the existing purpose and need of A23, and emphasized that the working group should not become the priority and focus for the PDT ahead of existing A23 development. He also said that on the consideration of cost, his recommendation to the Committee is that they don't pre-filter alternatives with the belief that they will be too expensive

and people won't choose them, and that as a Committee and Council they should consider benefits ahead of cost.

*No motions made.*

The Groundfish Committee meeting adjourned at approximately 11:50 a.m.