



## New England Fishery Management Council

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

# MEETING SUMMARY

## Recreational Advisory Panel

Webinar

January 18, 2023

The Recreational Advisory Panel (RAP) met on January 18, 2023, via webinar to discuss: 1) Fishing Year 2023 Recreational Measures; 2) Council Priorities for 2023; and 3) Other Businesses, as necessary.

**MEETING ATTENDANCE:** Frank Blount (Chair), Barry Gibson (Vice Chair), Bud Brown, Rip Cunningham, Tom DePersia, Tony DiLernia, Patrick Paquette, Michael Plaia, James Reilly, Jonathan Sterritt, and Tim Tower; Dr. Jamie Cournane, Robin Frede, and Angela Forristall (New England Fishery Management Council (NEFMC) staff); and Scott Steinback (Northeast Fishery Science Center (NEFSC)).

In addition, approximately 16 members of the public attended. Among them were: Rick Bellavance (Groundfish Committee chair); Libby Etrie (Groundfish Committee vice chair); Mike Pierdinock, Megan Ware; (Groundfish Committee member); Melanie Griffin (Council member); Pete Christopher, Mark Grant, and Kyle Molton (Greater Atlantic Fisheries Regional Office (GARFO)); Matt Ayer (Massachusetts Division of Marine Fisheries (Mass DMF)); Mike Waine (American Sportfishing Association); James Fletcher (United National Fishermen's Association); Jackie Odell (Northeast Seafood Coalition); Allison Lorenc (Conservation Law Foundation); Woneta Cloutier and Janice Plante (NEFMC staff)

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: **(1)** Meeting Overview Memo from Groundfish Committee Chair and Agenda; **(2)** Presentation, Council Staff; **(3a)** Summary of recent catch and effort for GOM cod, GOM haddock, and GB cod; **(3b)** Summary of recent recreational regulations and catch performance for GOM cod, GOM haddock, and GB cod; **(3c)** Presentation, NEFSC staff; **(4a)** Recreational Advisory Panel Meeting Summary, Dec. 1, 2022; **(4b)** Groundfish Committee Meeting Summary, Dec 2. 2022; **(4c)** Council Motions, Dec. 5-8, 2022; **(5)** Correspondence

The meeting began at 9:00 am.

### **KEY OUTCOMES:**

- The Recreational Advisory Panel recommends to the Groundfish Committee for recreational measures for 2023:
  - Gulf of Maine cod
    - Open season: September 1 - October 31
    - Minimum size: 22 inches
    - Possession limit: 1 fish per day
  - Gulf of Maine haddock

- Open season: May 1 – February 28; April 1–30
  - Minimum size: 18 inches
  - Possession limit: 15 fish per day
  - If the minimum size of 18 in is insufficient, then consider 19 in or 20 in
- The Recreational Advisory Panel recommends to the Groundfish Committee for recreational measures for 2023
  - *Georges Bank Cod*
    - Open season: May 1-31, September 1- April 30 (closed season June 1 – August 31)
    - Minimum fish size: 23 in
    - Possession limit: 5 fish per day
- The RAP discussed the current federal recreational regulations for Atlantic halibut:
  - Open season: All year
  - Minimum size: 41 inches
  - Possession limit: 1 fish per vessel per trip
    - The RAP would like to discuss the regulations at a future meeting, possibly a 1 fish per vessel per day rather than 1 fish per vessel per trip. The RAP forwarded this issue to the Groundfish Committee for further discussion.

***AGENDA ITEM #1: FISHING YEAR 2023 RECREATIONAL MEASURES, DR. JAMIE COURNAINE (NEFMC) AND SCOTT STEINBECK (NEFSC)***

*Meeting Goals*

Council staff reviewed the current FY2022 recreational measures in place for Gulf of Maine (GOM) cod, GOM haddock, and Georges Bank (GB) cod. Staff reminded advisors there is a recreational sub-annual catch limit (sub-ACL) for the recreational fishery, but not for GB cod. The proposed FY2023 recreational sub-ACL is unchanged for GOM cod but 83% lower for GOM haddock.

*Questions and Comments on the Presentation:*

An advisor noted there was a delay in implementing the FY2022 recreational measures and asked if a delay is anticipated for FY2023. Kyle Molton (GARFO) stated the agency is slightly better staffed than last year and they are hoping to avoid any delays.

*Summary of Recent Recreational Catch and Effort Data*

Mr. Scott Steinback (NEFSC) presented an overview of recent recreational catch and effort data from the Marine Recreational Information Program (MRIP). The presentation focused on the most recent two years of data. Mr. Steinback noted FY2022 data is incomplete since the season is ongoing but explained the last four months (Wave 6 and Wave 2) of fishing data from FY2021 were used as proxies for the last four months of FY2022.

Highlights from the Gulf of Maine data summary are as follows:

- There was an overall decline in cod and haddock angler trips in FY2022 compared to FY2021.
- GOM cod landings declined 14% from FY2022 compared to FY2021 but cod released alive only declined 3%, resulting in a 6% decrease in cod removals. There is an assumed discard mortality rate of 15% for GOM cod.
- GOM cod removals increased by 11% due to an increase in the average cod catch per trip and average weight of fish caught.

- Proportional GOM cod removals by mode in FY2022 were similar to FY2021, with a 2% increase in the removals by headboats, a 1% decrease in removals by charter vessels, and a 2% decrease in removals by private anglers.
- GOM haddock catch and removals declined almost 40% in FY2022 compared to FY2021. There are four different discard mortality rates for GOM haddock depending on the season.
- Proportional GOM haddock removals by mode shifted in FY2022 compared to FY2021. Removals by headboats increased from 13% to 23% of the total removals and removals by shoreside anglers decreased from 78% to 69% of total removals.

*Questions and Comments on the Presentation:*

An advisor asked why the GOM haddock removals are so high given there is a high bag limit and low minimum fish size. One advisor based out of Maine explained they fish offshore and do not keep fish smaller than 24 inches.

An advisor asked if the different GOM haddock discard mortality rates are driven by water temperature. The advisor stated the survival rate of haddock declines when more dogfish are present. Mr. Steinback stated the methods for determining the discard mortality rates are outlined in Lee et al., 2017<sup>1</sup>, but believed water temperature and fish size are factors.

**Public Comment:**

- Mike Pierdinock (Stellwagen Bank Charter Boat Association) stated there are many haddock in state waters and around Stellwagen Bank that are just at the minimum size cutoff. He stated anglers in Massachusetts utilize cod avoidance charts to target haddock and avoid cod. Mr. Pierdinock asked if the behaviors of anglers in different areas are taken into account in the bioeconomic model.
  - Mr. Steinbeck stated the bioeconomic model assumes angler behavior is the same throughout the GOM.

An advisor based in Massachusetts reiterated most of their charter trips operate inshore, stating many customers are hoping to catch a variety of fish. They are able to catch striped bass near the marina once the haddock limit has been caught.

*Bioeconomic Model*

Mr. Steinback gave a brief overview of the bioeconomic model. He noted that it is the same model that has been used since 2013, with a few improvements made from 2017 to the present. On the biological side, the model calculates the expected encounters per trip – how many fish anglers are expected to catch on a given trip and what the length of the fish would be. Fish kept and released are a function of the length structure of the model, selectivity, and regulations. On the economic side, the model estimates the probability that an angler trip would occur under FY2023 stock conditions and alternative regulations. The model predicts how many cod and haddock trips anglers would take in total, and how many fish would be retained or discarded. These numbers of fish are then converted into weights to estimate total FY2023 mortality.

Mr. Steinback shared the model predicted catch vs MRIP catch, noting the model has improved over time. The model may over or underestimate for several reasons, but the primary reason is uncertainty in assessment projection out-years. The ability of the model to predict catch has improved with the increased frequency of assessments and model adjustments to better account for MRIP uncertainty.

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<sup>1</sup> Lee, Min-Yang, Scott Steinback, Kristy Wallmo. 2017. “Applying a Bioeconomic Model to Recreational Fisheries Management: Groundfish in the Northeast United States.” *Marine Resource Economics* 32:2.

### Mortality Projections for GOM Cod and GOM Haddock

If the FY2022 recreational measures were maintained for FY2023 (status quo), the bioeconomic model predicts a total cod mortality of 159 mt and total haddock mortality of 644 mt. These is a slight decrease from the projected FY2022 catch because of a shift in the age-length structure of the stocks. For cod, a large proportion of the stock is below the status quo minimum fish size (22 inches) in both FY2022 and FY2023. For haddock, the large 2020 year class is starting to age into the recreational fishery and increase the number of fish that are at the status quo minimum fish size (17 inches). Even more are anticipated to recruit into the recreational fishery in FY2024.

Mr. Steinback shared mortality projections under three alternative scenarios, noting measures should have at least a 50% probability of keeping catch under the recreational sub-ACL. The alternatives maintained the GOM cod limit (1 fish) and minimum size (22 inches) and GOM haddock minimum size (17 inches) but proposed different cod open seasons and decreased the haddock limit (from 20 to 10 fish). Status quo alternatives with a haddock limit of 15 or 12 fish did not result in a 50% probability of keeping catch under the sub-ACL. Mr. Steinback noted a decrease in the haddock limit from 20 to 10 fish will likely have a larger impact on the charter fleet than the headboat fleet. Only 15% of anglers on headboat trips land more than ten haddock but 31% of anglers on charter trips land more than ten.

### *Questions and Comments on the GOM Cod and GOM Haddock Presentation:*

An advisor asked how large of an impact lowering the haddock limit would have since charter boats only account for around 8% of the total catch. Mr. Steinback noted the impact is not huge, but some private vessels landed more than ten and private vessels account for the largest proportion of total catch.

### **Public Comment:**

- Mike Pierdinock (Stellwagen Bank Charter Boat Association) asked if fuel prices are taken into account. He noted some anglers decided to go on party boats instead of fish individually due to fuel prices.
  - Mr. Steinback stated fuel prices are not directly incorporated into the model, but the number of trips anglers take is and that number has declined. The decline could be due to higher fuel prices, but it also could be due to other factors.
- Rick Bellavance (Groundfish Committee chair) asked if the length-frequency of for-hire catch was similar to previous years. He asked if having a higher possession limit increased the number of anglers that went out on charter and headboats even if they did not catch 20 haddock.
- Jackie Odell (Northeast Seafood Coalition) asked if the model accounts for the large 2020 GOM haddock year class that will soon be entering the fishery.
  - Mr. Steinback noted the model does account for this. The 2020 year class can be seen progressing through the length structure graphs and is resulting in a slight bump in the number of 17 inch fish. He noted these projections are pulled from the stock assessment.

An advisor noted the cost of diesel has more than doubled and this has influenced the number of vessels that went fishing. They noted those who went out in the summer targeted striped bass because bass were closer to shore than haddock. Another noted the perception of being able to catch 20 fish increases a client's willingness to pay for a charter trip, and stated a limit of 10 fish may put them out of business. They suggested looking at a 15 haddock limit but with additional closed season. Mr. Steinback explained the economic component of the model is based on the number of cod and haddock that are anticipated to be kept and released and the size of fish. A survey of anglers was conducted to determine the size preference and found large fish are worth more to anglers than smaller fish. Some, but not all, anglers value catching a fish even if it is released.

An advisor asked what the average GOM haddock release mortality is. Mr. Steinback stated the highest release mortality occurs in the fall (waves 4, 5, and 6) at 74.2%. The average for the year is around 50%.

Multiple advisors expressed interest in implementing an additional closed season to enable a higher GOM haddock bag limit. One asked about implementing one set of measures for private anglers and different measures for party/charter vessels since private anglers catch a larger proportion of the total catch. Mr. Steinback reminded advisors 15 fish did not keep catch under the sub-ACL under status quo, but the size limit and season could be adjusted to do so. Mr. Steinback noted there needs to be a reduction in catch from 644 mt to 610 mt, so the necessary mortality reduction is not huge. He also noted implementing a closure in the shoulder season when effort is already low will not have a significant impact on the projected mortality. An advisor stated they do not feel it is equitable to allow party/charter anglers to have less restrictive measures than private anglers.

#### GB Cod Recreational Measures

Council staff provided an overview of the GB cod stock status, noting it is still considered overfished, with overfishing occurring. GB cod is assessed with an empirical model and therefore rebuilding progress cannot be measured. There is no recreational sub-ACL. Measures are developed to keep catch at or below a recreational catch target. Staff noted the current recreational measures in place will remain in place unless replaced. The current measures are:

- Catch Target: 75 mt
- Slot limit: 22 inches – 28 inches
- Possession limit: 5 per angler, per day, for all modes
- Season: Closed May 1 – July 31

The proposed FY2023 catch target is 113 mt.

Mr. Steinback provided a summary of GB cod catch in FY2022 compared to FY2021:

- There was a 13% increase in angler trips, but a 8% decrease in removals because the catch per trip decreased
- Current FY2022 removals are estimated to be 218 mt, substantially above the 75 mt catch target.
- The proportion of catch by charter boats increased from 15% to 22% of the total catch and by private anglers decreased from 81% to 76% of the total catch.

Mr. Steinback noted that to remain within the 113 mt catch target for FY2023, there needs to be around a 48% reduction in GB cod removals from FY2022.

Mr. Steinback reviewed the removals by state for the last three years, noting landings in New York comprise of 46% of the total mortality. New York and New Jersey did not implement the more restrictive FY2022 recreational measures, but still have the FY2021 recreational measures in place. If New York and New Jersey implement the status quo federal regulations in FY2023, there would be a 31% reduction in total mortality. Implementing a 23 inch to 28 inch slot limit is estimated to result in an additional 18% reduction in overall mortality, which would meet the 48% mortality reduction goal. A minimum size increase from 22 inches to 23 inches (maximum) would not meet the goal.

#### Questions and Comments on the Presentation:

An advisor asked what the rebuilding target for 2026 is. Staff explained there is no way to determine where the stock is in relation to the rebuilding target under the current empirical model, and explained management measures are designed to ensure catch stays under the acceptable biological catch (ABC). The advisor asked when the model for a potential Southern New England cod stock would be available.

Staff stated the chair of the Atlantic cod research track working group will be providing an update at the January Council meeting and encouraged RAP members to listen.

An advisor asked if landings and catch information was available for FY2018, the year there was a 23-inch minimum fish size in place for GB cod. Staff directed them to the Draft Framework 65 Affected Environment<sup>2</sup>. Only 37.1 mt were caught by the recreational fishery in FY2018.

Advisors discussed the probability and impact of New York and New Jersey implementing the federal recreational measures. Advisors noted that New York recreational fishermen are supposed to comply with federal regulations when fishing in federal waters and expressed they believe most catch being landed in New York is caught in federal waters. Staff noted the Council wrote a letter to the Mid-Atlantic states when the FY2022 measures were proposed and another when they were implemented. New Jersey has communicated that they are considering implementing the federal regulations, but there is uncertainty if New York will. Pete Christopher (GARFO) noted there is not a mechanism in the groundfish fishery to require state fisheries to have the same measures as federal fisheries, but the Magnuson-Stevens Act (MSA) does include a clause that allows federal regulations to preempt state regulations if state regulations substantially and adversely affect the carrying out of a fishery management plan (FMP).

**PUBLIC COMMENT:**

- Mike Pierdinock (Stellwagen Bank Charter Boat Association) expressed disbelief that 57% of the catch in the last three years occurred in New York, and asked if this could be a result of inaccuracies in MRIP data.
  - Mr. Steinback explained that the location of catch is not known, only where it is landed. He stated this is likely not an anomaly, catch in New York was higher in years before 2018.

**1. MOTION: TOWER/REILLY**

The Recreational Advisory Panel recommends to the Groundfish Committee for recreational measures for 2023:

- Gulf of Maine cod
  - Open season: September 1 - October 31
  - Minimum size: 22 inches
  - Possession limit: 1 fish per day
- Gulf of Maine haddock
  - Open season: May 1 – February 28; April 1–30
  - Minimum size: 18 inches
  - Possession limit: 15 fish per day
  - If the minimum size of 18 in is insufficient, then consider 19 in or 20 in

*Rationale:* Option 2 presented by Center staff, modified for haddock – minimum fish size 18 in (rather than 17 in) and possession limit at 15 fish (rather than 10 fish). If the minimum fish size of 18 in is insufficient, then consider 19 in or 20 in.

**Discussion on the Motion:**

Staff noted the delay in the implementation of the more conservative FY2022 recreational measures likely impacted the amount of recreational catch. Advisors expressed support for increasing the minimum fish

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<sup>2</sup> See pdf page 13 and Table 48: [https://d23h0vhsm26o6d.cloudfront.net/3B\\_230113\\_DRAFT\\_GF\\_FW65\\_AE-EXCERPT-recreational-fishery.pdf](https://d23h0vhsm26o6d.cloudfront.net/3B_230113_DRAFT_GF_FW65_AE-EXCERPT-recreational-fishery.pdf)

size for haddock and eliminating the cod spring season in order to increase the haddock catch limit to 15 fish. Some advisors expressed concern about closing the April cod season, but others stated it is typically a slow time of year. Advisors representing the Maine and New Hampshire party/charter boat industry expressed the April haddock season is important and preferred in an increase in the minimum fish size over changing the season to enable a 15 fish limit. Advisors noted increasing the haddock size limit will also result in an increase in discards and discard mortality, but the large 2020 year class will likely be around 18 inches in FY2024.

Advisors reiterated they would accept a minimum fish size above 18 inches if that was necessary to enable a 15 fish haddock limit. Kyle Molton (GARFO) asked if it would be worth looking at *decreasing* the minimum fish size to convert discards into landings, especially considering the 75% discard mortality rate in the fall. Advisors stated larger fish are more valuable to recreational anglers than smaller fish.

**MOTION #1 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.**

**2. MOTION: DILERNIA/TOWER**

The Recreational Advisory Panel recommends to the Groundfish Committee for recreational measures for 2023

- Georges Bank Cod
  - Open season: May 1-31, September 1- April 30 (closed season June 1 – August 31)
  - Minimum fish size: 23 in
  - Possession limit: 5 fish per day

**Discussion on the Motion:**

An advisor asked about eliminating the slot limit but increasing the minimum fish size to 24 inches. Another stated this only results in a 29% reduction in mortality and there needs to be a 48% reduction.

There was discussion among advisors on when the closed season should be. One expressed support for having the fishery open in August as well, stating the AP could not be certain at this time that closing the fishery in August would be necessary given the increase in minimum fish size. Another stated they would rather have March and April closed than August. A third commented the mortality for April and May combined is only 12% but mortality in August is 18%, so closing the fishery in August would have more conservation benefit. They also stated there are other recreational fishing opportunities in August (scup, fluke, black sea bass).

**2a. MOTION: PLAIA/XXX**

The Recreational Advisory Panel recommends to the Groundfish Committee for recreational measures for 2023

- Georges Bank Cod
  - Closed season July 31 – March 31
  - Minimum fish size: 23 in
  - Possession limit: 5 fish per day

**MOTION #2a FAILED FOR LACK OF A SECOND.**

**MOTION #2 CARRIED ON A ROLL CALL VOTE 10-0-0.**

Roll Call:

Yes: Mr. Gibson, Mr. Cunningham, Mr. DePersia, Mr. Paquette, Mr. Plaia, Mr. Reilly, Mr. Sterritt, Mr. Tower, Mr. Brown, Mr. DiLernia

No:

Abstain:

***AGENDA ITEM #2: COUNCIL PRIORITIES FOR 2023, DR. CURNANE (NEFMC)***

Council staff shared the single and multi-year priorities passed at the December Council meeting.

***AGENDA ITEM #3: OTHER BUSINESS***

The RAP discussed the current federal recreational regulations for Atlantic halibut:

- Open season: All year
- Minimum size: 41 inches
- Possession limit: 1 fish per vessel per trip

The RAP would like to discuss the regulations at a future meeting, possibly a limit of 1 fish per vessel per day rather than 1 fish per vessel per trip. The RAP forwarded this issue to the Groundfish Committee for further discussion. One advisor noted that the potential change would mean if a charter vessel does a morning and afternoon trip and a halibut is caught on the morning trip, no one on the afternoon trip would be allowed to retain a halibut. Some advisors felt this was not equitable, while others stated the chances of catching a halibut are so low this scenario is unlikely to occur. Staff noted this potential change would need to go through the Council process.

**Public Comment:**

- James Fletcher (United National Fishermen's Association) stated Bluefin Data has developed a phone application where recreational fishermen can report their catch. He stated many of the issues with managing the recreational fishery hinge on insufficient data, and cell phone reporting could increase the quantity and quality of data.

The RAP meeting adjourned at approximately 12:57 p.m.