



New England Fishery Management Council

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

MEETING SUMMARY

Groundfish Committee

Webinar

January 19, 2023

The Groundfish Committee (Committee) met on January 19, 2023, via webinar to discuss:

1) Fishing Year 2023 Recreational Measures; 2) Framework Adjustment 65; 3) Amendment 23 Review Metrics; 4) Council Priorities for 2023; and 5) Other Businesses, as necessary.

MEETING ATTENDANCE: Rick Bellavance (Chair), Libby Etrie (Vice Chair), Togue Brawn, Peter Christopher, Melanie Griffin, Megan Ware, John Pappalardo, Mike Pierdinock, Paul Risi, Geoff Smith, and Alan Tracy; Dr. Jamie Cournane, Robin Frede, and Angela Forristall (New England Fishery Management Council (NEFMC) staff); and Frank Blount (Recreational Advisory Panel (RAP) chair).

In addition, 21 members of the public attended. Among them were:

Dan Caless, Claire Fitz-Gerald, Kyle Molton, Liz Sullivan, Samantha Tolken, and Mark Grant (Greater Atlantic Fisheries Regional Office (GARFO)); Russel Brown, Glenn Chamberlain, and Paul Nitschke (Northeast Fisheries Science Center (NEFSC)); Ben Martens (Groundfish Advisory Panel (GAP) Chair)); Jackie Odell (GAP vice-chair), Mitch MacDonald (NOAA General Council (GC)); Matt Ayer and Tara Dolan (Massachusetts Division of Marine Fisheries (Mass DMF)); Allison Lorenc (Conservation Law Foundation); George Lapointe (Blue Harvest Fisheries); Chris McGuire (The Nature Conservancy); Mike Waine (American Sportfishing Association); Chris Kellogg, Tom Nies 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)** Draft alternatives for Framework Adjustment 65; **(3b)** Groundfish PDT to SSC re OFLs and ABCs for Atlantic halibut based on corrected stock assessment; **(3c)** Groundfish PDT to Committee re Atlantic halibut FY2023-FY2025 specifications and draft impacts analysis; **(3d)** 2022 Fall Management Track Stock Assessment for Atlantic Halibut, NEFSC, December 2022, corrected; **(3e)** Risk Policy Matrix for Atlantic Halibut; **(4a)** Summary of recent catch and effort for GOM cod, GOM haddock, and GB cod; **(4b)** Summary of recent recreational regulations and catch performance for GOM cod, GOM haddock, and GB cod; **(5a)** Draft Amendment 23 Review Metrics Discussion Paper, Groundfish PDT; **(5b)** Groundfish PDT to Committee follow-up on possible A23 review metrics; **(6a)** Recreational Advisory Panel Meeting Summary, Dec. 1, 2022; **(6b)** Groundfish Committee Meeting Summary, Dec 2, 2022; **(6c)** Council Motions, Dec. 5-8, 2022; **(6d)** Recreational Advisory Panel, Jan. 18, 2023, draft motions; **(7)** Correspondence

The meeting began at 9:00 am.

KEY OUTCOMES:

- The Groundfish Committee forwards to the Council for consideration the following 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 Groundfish Committee requests an additional option be forwarded to the Council for consideration the following 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
 - 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 Groundfish Committee requests to add under Motion 1 and 2 an additional option for GOM haddock at a 17 in minimum fish size for consideration by the Council.
- The Groundfish Committee forwards to the Council for consideration 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 Groundfish Committee requests an additional option be forwarded to the Council for consideration the following recreational measures for 2023:
 - Georges Bank Cod
 - Open season: May 1-31, September 1- April 30 (closed season June 1 – August 31)
 - Slot size: 23 in – 28 in
 - Possession limit: 5 fish per day
- The Groundfish Committee recommends to the Council to set the Atlantic halibut state waters sub-component at 17.2 mt (Approach 2 of the PDT memo, dated January 13, 2022) if the SSC recommends an Atlantic halibut ABC of 160 mt.

RECREATIONAL ADVISORY PANEL (RAP) REPORT, FRANK BLOUT (RAP CHAIR)

Mr. Blount (RAP chair) provided a summary of the discussion and motions from the RAP meeting.

Questions and Comments on the Report

Advisors asked for clarification on the RAP’s motion on Gulf of Maine (GOM) recreational measures. One asked if shifting the two weeks currently open for cod in April to October would result in neutral mortality impacts. Another asked which variable (season, size, or bag limit) is most important for the

Council to consider in case the RAP's recommended measures do not keep catch under the sub-ACL. Mr. Blount stated the RAP's preferred measures are most similar to the second option presented, but the recreational advisors wanted to increase the haddock limit from 10 to 15 fish. The RAP discussed how to change minimum fish size requirements and open season dates to enable a higher bag limit while potentially staying under the sub-ACL. Mr. Blount noted the importance of a particular open season or higher bag limit varied depending on what region the advisor represented.

A committee member who attended the RAP meeting expressed concern that the model results are overly conservative, stating the bioeconomic model does not consider the impacts increased fuel prices had on the number of anglers that fished last year and assumes fish caught and discarded are all large fish. Mr. Blount noted the model has been improved and has performed better in recent years.

Committee members expressed concern that the recommendation for Georges Bank (GB) cod recreational measures assumes that New York and New Jersey will implement the federal recreational measures. Both states currently have less conservative measures in place. One committee member stated it would be beneficial to see catch projections based on if states are or are not implementing the federal measures. Attorney Mitch MacDonald (NOAA GC) explained states have the right to regulate fisheries within state waters but are required to ensure their regulations or laws do not undermine federal fishery management plans (FMPs) for fisheries that occur primarily in federal waters. The Magnuson-Stevens Act allows for the preemption of state regulations that substantially and adversely affect the carrying out of an FMP.

AGENDA ITEM #1: FISHING YEAR 2023 RECREATIONAL MEASURES, DR. JAMIE COURNANE (NEFMC STAFF)

Gulf of Maine Cod and Haddock Recreational Measures

Dr. Cournane presented an overview of recent recreational catch and effort data from the Marine Recreational Information Program (MRIP) for GOM cod and GOM haddock. The presentation focused on the most recent two years of data. Dr. Cournane noted FY2022 data is incomplete since the season is ongoing. 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.

Dr. Cournane gave a brief overview of the bioeconomic model. 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.

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. Dr. Cournane 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. 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.

1. MOTION: PIERDINOCK/GRIFFIN

The Groundfish Committee forwards to the Council for consideration the following 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

Discussion on the Motion:

Committee members expressed they did not feel comfortable recommending any options that had not been analyzed with the bioeconomic model. They wanted to make clear they were moving forward additional measures for the Council to consider after the model runs occur. Staff clarified any additional measures would be presented in addition to the measures that have already been analyzed with the bioeconomic model.

MOTION #1 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

2. MOTION: ETRIE/GRIFFIN

The Groundfish Committee requests an additional option be forwarded to the Council for consideration the following 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
- 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: The RAP made clear a 15 fish per day possession limit is important. If the previous motion does not keep catch under the recreational sub-ACL, this set of measures may be a viable alternative. If the measures in the previous motion *do* keep catch under the recreational sub-ACL, this set of measures is not needed.

Discussion on the Motion:

A committee member stated there is little effort in April and therefore an April closure will have little conservation benefit. Frank Blount (RAP chair) stated April is an important month for the New Hampshire and Maine party boat industry, and a high bag limit is an important marketing tool.

MOTION #2 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

3. MOTION: CHRISTOPHER/ETRIE

To add under Motion 1 and 2 an additional option for GOM haddock at a 17 in minimum fish size for consideration by the Council.

Rationale: Increasing the minimum fish size may result in an increase in dead discards. Including a 17-inch minimum fish size will allow the Council to compare the impacts different minimum fish sizes will have on overall haddock mortality.

Discussion on the Motion:

Council staff noted that the three alternatives brought forward to the RAP and Committee had a minimum fish size of 17 inches. A committee member noted the RAP recommended increasing the minimum fish size, but this motion would maintain the minimum fish size in place and change the season or bag limit. The maker of the motion stated the large 2020 year class will just begin recruiting into the recreational and commercial fishery in the next two years, but may be under a 18 or 19 inch minimum size and therefore result in an increase in discards. They also noted that some for-hire vessels already have a minimum size bigger than the federal regulations because clients prefer larger fish.

A committee member stated discards vary depending on where fishing occurs, with smaller fish being closer to shore. They expressed concern that the bioeconomic model is overly conservative because it assumes all discarded fish are large. They stated a high bag limit is important and noted the 20 fish bag limit brought back some anglers that stopped fishing when the prohibition on cod possession was implemented.

MOTION #3 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

Georges Bank 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 shared the current recreational measures and noted the proposed FY2023 catch target is 38 mt higher than the FY2022 catch target (113 mt compared to 75 mt).

Staff provided a summary of GB cod catch in FY2022 compared to FY2021. Preliminary estimates for FY2022 removals are 218 mt, substantially above the 75 mt catch target. To remain within the FY2023 113 mt catch target, there must be around a 48% reduction in GB cod removals from FY2022.

Staff summarized the removals by state for the last three years, noting landings in New York comprise 46% of the total mortality. New York and New Jersey did not implement the more restrictive FY2022 recreational measures, but have the less conservative 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 GB Cod Recreational Measures Presentation

A committee member stated recreational measures must achieve a 48% reduction in mortality even if New York and New Jersey do not align their management measures with federal measures. Staff noted they and NEFSC staff shared concerns about the high mortality reductions needed if New York and New Jersey do not update their regulations. Staff stated they can work to identify what proportion of catch in these states occurs in state waters and what proportion occurs in federal waters. A committee member stated private anglers may not be complying with federal regulations and instead may be fishing under state regulations even when in federal waters.

4. MOTION: PIERDINOCK/RISI

The Groundfish Committee forwards to the Council for consideration 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:

A committee member noted the New York Department of Environmental Conservation (DEC) hopes to be in compliance with federal regulations soon, and the New York state advisory council is in favor of aligning the state recreational measures with federal measures. Another stated it would be helpful to see two sets of GB cod mortality projections; (1) projections if states align their recreational measures and (2) projections if they do not.

Public Comment:

- Frank Blount (RAP Chair) noted New York charter boat landings are more than ten times what they had been in years past, and stated if FY2022 recreational measures had been implemented on May 1st harvest would likely have been more similar to what it was in the past.

MOTION #4 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

5. MOTION: ETRIE/CHRISTOPHER

The Groundfish Committee requests an additional option be forwarded to the Council for consideration the following recreational measures for 2023:

Georges Bank Cod

- Open season: May 1-31, September 1- April 30 (closed season June 1 – August 31)
- Slot size: 23 in – 28 in
- Possession limit: 5 fish per day

Discussion on the Motion:

A committee member stated an August closure will result in a significant reduction in effort and financial pain to vessels operating in the Cape Cod area. They noted numerous operators have reached out to them

emphasizing the importance of keeping August open. Another noted concern with the slot limit, stating many fish above the maximum size are released dead or injured and are quickly eaten by seagulls.

Public Comment:

- Frank Blount (RAP Chair) stated he was supportive of the slot limit last year, but there has been little compliance and it has been very unpopular with anglers.

MOTION #5 CARRIED BY CONSENSUS AND WITHOUT OBJECTION.

AGENDA ITEM #2: FRAMEWORK ADJUSTMENT 65, DR. COURNAINE (NEFMC STAFF)

Staff shared a letter from the Northeast Fishery Science Center to the Council informing them of an error in the 2022 management track assessment for Atlantic halibut. Correcting the error results in a possible ABC of 160 mt (rather than 149 mt). Staff explained the state waters and other fisheries sub-components will need to be updated. The state-waters subcomponent could be determined by either taking an average of the last three years of catch (15.5 mt) or by allocating 20% of the US ABC (17.2 mt).

Questions and Comments on the Presentation

A committee member expressed frustration that the Council feels pressure to take final action on the specifications framework at the December Council meeting to ensure measures are implemented on time, but something inevitably happens and implementation is delayed. They expressed hope the Atlantic halibut ABC correction would not result in a delay.

A committee member asked if vessels that have both state and federal permits are required to abide by the most restrictive management measures. Attorney MacDonald stated the vessel would be subject to federal regulations, but there is a general provision that the more restrictive measures would apply. Megan Ware (Maine DMR) explained commercial fishermen in Maine are limited to one halibut per trip per federal regulations, but also only allowed 25 halibut tags a year per state regulations. She noted they both apply, therefore the combination of the two is more restrictive than the federal regulations alone.

6. MOTION: WARE/BRAWN

Move that the Committee recommends to the Council to set the Atlantic halibut state waters sub-component at 17.2 mt (Approach 2 of the PDT memo, dated January 13, 2022) if the SSC recommends an Atlantic halibut ABC of 160 mt.

Rationale: The state of Maine has implemented stricter state regulations since 2020. The season has been reduced to 14 days and reporting is required weekly, rather than monthly. Two tiers of commercial tags are available (10 tags for \$10 or 25 tags for \$100) which has reduced the latent effort that resulted from the previous system of 25 tags for \$25. Maintaining the state waters subcomponent at 20% still results in a reduction but acknowledges the effort of the state of Maine to keep catch under the sub-ACL and the economic importance of the spring fishery to down east Maine.

Discussion on the Motion:

Multiple committee members commended Maine's efforts. Committee members asked how the state subcomponent was calculated before the assessment was corrected. Council staff explained the 3-year average and 20% methods both resulted in 15 mt for the state subcomponent, so it is unclear which approach the Council was using when they took final action in December. One committee member stated they thought the Council was moving towards the 3-year average approach but was not positive. They feared changing the approach would make it look like the states were using the assessment correction as a way to increase their sub-component.

MOTION #6 CARRIED ON A ROLL CALL VOTE 4-0-6.

Roll Call:

Yes: Ms. Brawn, Ms. Ware, Mr. Pierdinock, Mr. Tracy

No:

Abstain: Ms. Etrie, Mr. Christopher, Ms. Griffin, Mr. Pappalardo, Mr. Risi, Mr. Smith

AGENDA ITEM #3: AMENDMENT 23 REVIEW METRICS, ROBIN FREDE (NEFMC STAFF)

Council staff shared the PDT's feedback on possible review metrics and indicators developed by the Groundfish Advisory Panel and Committee. The list of metrics will be considered in the development of a review of the groundfish monitoring plan implemented by Amendment 23 (A23). The metrics will be reviewed by a sub-panel of the SSC.

Questions and Comments on the Presentation

A committee member asked how the new Catch Accounting and Monitoring System (CAMS) would influence the development of metrics. Council staff explained the PDT has not had a chance to discuss the interaction with CAMS thoroughly, but the PDT wants to ensure those involved in CAMS weigh in on the development of the metrics to ensure there are no issues with data access.

Committee members inquired about the impact of reduced participation in the maximized retention electronic monitoring (MREM) program and associated dockside monitoring since the MREM program has been operationalized. Staff agreed the decline in participation will be an important consideration. A committee member noted the impact of cost on participation will be an important factor to consider as well since the program is currently being sponsored by the NEFSC but will eventually be funded by the industry.

A committee member asked why the PDT did not recommend comparing observer companies and why trips are not observed but did recommend looking at the number of trips that receive monitoring waivers. Staff explained the PDT did not feel looking at individual provider performance was within the objectives of the review. The PDT is interested in looking at how many trips fall within the different categories of observer waivers for both the observer program and private at-sea monitoring companies.

Committee members expressed support for examining overall industry and agency costs separately for meeting monitoring requirements and hoped to be able to compare the costs alongside the amount of funding available.

Staff explained the PDT was initially planning to use FY2022 as year one of the review but will reassess now that the target coverage rate has decreased from 99% to 80%. The PDT has already planned to have year one of the review looking at the impacts of the monitoring exclusion west of 71 30 to be FY2023. A committee member expressed support for revisiting when year one should be, especially given how much lower the realized coverage was in FY2022 compared to the new 80% target.

Committee members were concerned with how the Vessel of Concern list impacts a vessel's eligibility for monitoring. Staff explained that vessels can be put on the Vessel of Concern list for a number of reasons, including observer safety issues and ongoing enforcement cases. Sector managers have expressed concern with how to incentivize vessels to get off the list, as it can cause issues with ensuring coverage is equitable across all vessels in a sector. One committee member stated the number of vessels on the list is small and impacts may be nominal. A committee member stated the Committee and Council should have further discussions regarding issues associated with the Vessel of Concern list.

A committee member asked if the PDT has considered how the target versus realized coverage rate in a given year would impact the metrics. Staff noted that the PDT will be distinguishing between target and realized coverage and this difference is important since one of the goals of A23 was to increase coverage in order to improve catch accounting.

A committee member suggested modifying the cost-benefit analysis metric to look at the cost of the program versus the benefit of gaining information to guide future discussions about what levels of coverage are necessary if federal funding is not available. They stated it will be important to also receive input from sector managers about what they believe is an achievable coverage level.

A committee member noted some vessels are having 100% of their trips monitored while others are having none. They expressed concern this may result in selection bias, where one group is consistently being sampled and another group is not. Another stated this may result in equity issues when federal funding is no longer available. They noted it may be beneficial to include a metric responding to the industry's concerns with the different trip selection processes deployed under the At-Sea Monitoring Program and Northeast Fishery Observer Program, and how gear type and area fished influence trip selection.

AGENDA ITEM #4: COUNCIL PRIORITIES FOR 2023, DR. COURNANE (NEFMC STAFF)

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

Questions and Comments on the Presentation

A committee member asked when the Atlantic cod research track will take place. Staff stated there will likely be a peer review of the research track working group report in the fall and management track assessments for the updated cod stocks in 2024.

Chair Rick Bellavance stated the Mid-Atlantic and New England Councils met to discuss the NOAA Action Plan to reduce Atlantic sturgeon bycatch. He noted the proposed plan will focus on the monkfish and dogfish fisheries and will likely be led by the Mid-Atlantic Council, and at least right now is not expected to include the groundfish fishery.

One committee member recommended an approach for a facilitated process to revise the acceptable biological catch (ABC) control rules could begin with a meeting of the full scientific and statistical committee (SSC) and where the SSC discusses challenges they have faced when applying the ABC control rules in the past. From there, a facilitated meeting of self-selected SSC, Committee, PDT, and AP members interested in working on the ABC control rules could convene. Another committee member expressed that there must be clear Terms of Reference and that the facilitator should be someone familiar with the groundfish stock assessment process.

The Committee meeting adjourned at approximately 1:35 p.m.