



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Groundfish Oversight Committee

Sheraton Harborside, Portsmouth, NH

November 9, 2017

The Groundfish Committee (Committee) met on November 9, 2017 in Portsmouth, NH to discuss and make recommendations on: 1) Framework Adjustment 57 - Specifications and Management Measures; and 2) other business, as necessary.

MEETING ATTENDANCE: Terry Stockwell (Chairman), Terry Alexander (Vice Chair), Rick Bellavance, Libby Etrie, Mark Godfroy, Sarah Heil (GARFO), Meredith Mendelsohn (proxy for Pat Keliher), Peter Kendall, Matt McKenzie, 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 Aja Szumylo (GARFO), Jason Didden (MAFMC staff), and Tom Nies (NEFMC).

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated October 31, 2017; (2) Meeting agenda; (3a) Framework Adjustment 57 - Draft Alternatives for FW 57 (November 6, 2017); (3b) Scallop PDT to Groundfish PDT re scallop fishery catch of Georges Bank winter flounder (September 11, 2017); (3c) MAFMC staff to PDT re non-groundfish large mesh AMs for windowpane flounder (October 2, 2017); (3d) PDT memo to the Scientific and Statistical Committee re FY2018-FY2020 Groundfish OFLs/ABCs (October 13, 2017); (3e) PDT memo to the Groundfish Committee re process for evaluating groundfish catch in non-groundfish fisheries for the sub-component review (November 3, 2017); (3f) PDT memo to the Groundfish Committee re a review of the Georges Bank haddock sub-ACL in the directed mid-water trawl Atlantic herring fishery (November 3, 2017); (3g) PDT memo to the Groundfish Committee re scallop fishery groundfish sub-ACLs and AMs (November 2, 2017); (3h) Presentation: PDT Report; (4a) Meeting Summary - Groundfish Committee meeting, September 21, 2017; (4b) Council Motions, September 26-28, 2017; (5) FY2016 Final Year-End Multispecies (Groundfish) Fishery Catch Report, GARFO (October 17, 2017); (6) Correspondence.

The meeting began at 9:00 a.m.

KEY OUTCOMES:

- The Committee recommended the Status Determination Criteria section be removed from Framework Adjustment 57 (FW 57).
- The Committee moved to extend the temporary accountability measure trigger provisions for the scallop fishery (to trigger only when the sub-annual catch limit for the scallop fishery and total annual catch limit for the groundfish stock are exceeded) to the Southern New England/Mid-Atlantic yellowtail flounder stock for fishing year 2018.
- The Committee recommended no change to the midwater trawl directed Atlantic herring fishery sub-annual catch limit for Georges Bank haddock (i.e., the sub-annual catch limit would remain at 1.5%).
- The Committee recommended that for Option 2: Broaden NMFS Authority to Modify Common Pool Trimester TACs and/or AM Closures, this be limited to “Adjusting trimester TACs for stocks that have experienced early closures (e.g., trimester 1 or 2 closures)”
- The Committee recommended in the Atlantic halibut accountability measures section to stop work and remove Sub-Option 2B: Modified Gear Restricted Area Off the Eastern Maine Coast for All Federal Permit Holders. The Committee also tasked the Plan Development Team (PDT) to explore any options that reduce the current size and duration of the area-based accountability measures based on its analysis of the No Action alternative.
- The Committee tasked the PDT to use the most recent 5-year (CY2012-CY2016) average catch (landings and discards) from the 2017 operational assessment for Georges Bank cod for the recreational fishery to arrive at a catch target for fishing years 2018-2020, and to work with the Recreational Advisory Panel (RAP) to develop measures designed to meet the target, to possibly be used to modify management measures in FW 57 or as a basis for Emergency Action.
- The Committee recommended the addition of a temporary administrative measure in FW 57 that allows the Regional Administrator to adjust the recreational measures for Georges Bank cod in consultation with the Council for FY2018 and FY2019 only.

AGENDA ITEM #1: OTHER BUSINESS

2016 ACL OVERAGE LETTER

Ms. Heil provided an overview of the letter from GARFO detailing the 2016 Annual Catch Limit (ACL) overages for Gulf of Maine (GOM) cod, Georges Bank (GB) cod, and witch flounder. She explained that GARFO is working with the state of Massachusetts on discrepancies with the estimates for GOM cod and said these corrections may result in a smaller overage.

Discussion: One Committee member asked for information on what the states have done for adjustments to their measures over the years and whether GARFO could provide an explanation for the management measures for the state and other sub-components. Ms. Heil explained that this is part of the PDT’s exercise in determining sub-components and said this is why it is helpful to have state agency staff on the PDT.

Public Comment: Jackie Odell (Northeast Seafood Coalition) commented on state waters witch flounder catches and said the states are doing their best to stay under the limits, and said it should be noted at what point during the fishing year these changes in catches occurred, in an effort to help this for next year. Ms. Griffin responded that Massachusetts state waters witch flounder measures have not been liberalized over the years, and that MA DMF will look into it, along with GOM cod.

CARLOS RAFAEL CASE

Ms. Heil provided an update on the Carlos Rafael case, explaining that NMFS is currently considering potential additional monitoring and enforcement requirements for Sector IX.

PRESENTATION: PDT REPORT ON FW 57, DR. COURNANE

Staff provided an overview of the PDT's report on Framework 57 (FW 57), which includes setting specifications for all stocks for 2018-2020, setting specifications for US/Canada stocks for 2018, Atlantic halibut accountability measures (AMs), southern windowpane AMs for large-mesh non-groundfish fisheries, common pool trimester TAC adjustments, and revisions to the recreational management measures process. The goals of the Committee's discussion were to provide guidance on development of the draft alternatives and make recommendations to the Council on what should be included in FW 57.

Questions and Comments on the Presentation:

The Chair asked the Committee to think about whether it feels the alternatives as they are will be reasonable given the timeframe. Staff explained that the PDT will do the best it can but would appreciate that if the Committee decides some of these alternatives are not viable, that it move these to either "Considered but Rejected" or to some other timeline. One Committee member asked if there was an update on the Atlantic halibut assessment. Staff replied that they are setting the schedule for the peer review and hope to be completed by the end of the year. Staff also explained that they plan to put a range of values in the document from the assessment, do analysis of the range and then have the Council select from there, in order to not hold up the document.

The Committee discussed each of the proposed alternatives in FW 57 in the order they will appear in the document. The discussion on southern windowpane AMs was moved to the beginning to accommodate MAFMC staff schedules.

AGENDA ITEM #2: FRAMEWORK ADJUSTMENT 57

SOUTHERN WINDOWPANE FLOUNDER ACCOUNTABILITY MEASURES

One Committee member asked whether the MAFMC would take the lead on analysis for conservation equivalence of the revised AM areas. Mr. Didden (MAFMC) said the MAFMC plans to take the lead on analysis and help in any way possible. Another Committee member

asked whether any work had been done to look at effort in the areas, in addition to the work on D:K ratios. Mr. Didden said that they could examine that, but explained that with the D:K ratios they had been thinking that the areas as currently drawn may be pushing effort from one area to another (from areas of low D:K ratios to high).

STATUS DETERMINATION CRITERIA

Staff clarified that the status determination criteria (SDCs) as written in the draft version of FW 57 reflect all the updates to the SDCs coming from GARFO, so they are different from those in FW 56. Ms. Heil said that because there are no proposed changes to the SDCs there is no action required by the Council and suggested removing this alternative.

Consensus Statement #1

By consensus, the Groundfish Committee recommends the Status Determination Criteria section be removed from Framework Adjustment 57.

ANNUAL CATCH LIMITS

Ms. Heil pointed out that with the two stocks without an OFL (GB yellowtail flounder and witch flounder), even though they do not currently have analytical models NMFS will still keep track of overfishing and rebuilding for these stocks. There was some discussion about whether the Council can or should determine an OFL for these, but it was decided that GARFO can help provide more guidance on this following the Northeast Regional Coordinating Council (NRCC) meeting on this topic.

COMMON POOL TRIMESTER TOTAL ALLOWABLE CATCH ADJUSTMENTS

No further discussion or motions. The Committee approved this section for inclusion in FW 57.

SCALLOP FISHERY SUB-ACL FOR SOUTHERN NEW ENGLAND/MID-ATLANTIC YELLOWTAIL FLOUNDER

Staff explained that in past actions the scallop fishery sub-ACL for Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder has been set at 90% of the projected scallop catch, but the Council is not bound by this. Staff also explained that the scallop PDT estimate for SNE/MA yellowtail flounder bycatch is surprisingly low and said there is a possibility it could be revised at the scallop PDT meeting held today. Staff pointed out that the Council could recommend a temporary provision to the scallop fishery AM implementation policy (as was done with GB yellowtail flounder and northern windowpane flounder in FW 56) so that that the AM is only implemented if the scallop exceeds its sub-ACL and the total ACL is exceeded. Staff explained that this would not be a large workload since this was just done in FW 56 and the analysis would be very similar. Another Committee member asked whether this temporary provision could be

for just one year as opposed to two years as with the other stocks, so as to align the timelines for all three stocks.

Motion #1: Griffin/Etrie

Move to extend the temporary accountability measure trigger provisions for the scallop fishery (to trigger only when the sub-annual catch limit for the scallop fishery and total annual catch limit for the groundfish stock are exceeded) to the Southern New England/Mid-Atlantic yellowtail flounder stock for fishing year 2018.

Discussion on the Motion: The maker of the motion provided rationale that since SNE/MA yellowtail flounder has a low sub-ACL for the scallop fishery, there is unlikely to be overfishing if the total ACL is not exceeded, and also said that the intent is to have all stocks on the same timeline so this measure can be reviewed at the same time. One Committee member asked whether the Committee needs to task the PDT with re-evaluating this in 2019, as she is concerned that the ACL will remain low while the scallop projected catches may increase. Staff recommend waiting to look at the scallop projected catch when they are updated for 2019, as the projections are too uncertain now.

Motion #1 carried by unanimous consent and without objection.

MID-WATER TRAWL (HERRING) FISHERY SUB-ACL FOR GEORGES BANK HADDOCK

Staff explained that the PDT has reviewed the stock status for GB haddock as well as the herring fishery utilization and needs guidance from the Committee on whether to increase the herring fishery sub-ACL for GB haddock or recommend that it remain the same. Staff also pointed out that the herring sub-ACL will decrease next year because of the US/Canada process, which is why the PDT only reviews this during a full haddock stock assessment. One Committee member asked what the herring fishery utilization of GB haddock has been this year. Staff said it is approximately 4%, low because the fishery hasn't been fishing on Georges Bank much. Another Committee member said he is hesitant to increase the sub-ACL from 1.5% to 2% because increasing it to 1.5% took a long time and was controversial, and he doesn't think the Committee is ready to take this on at this time. Several Committee members noted the issue of low coefficient of variation (CVs) in the herring fishery, but also noted that the Industry Funded Monitoring (IFM) Amendment should fix the CV issue and provide more observer coverage. Another Committee member said that while she doesn't have strong feelings either way, she thinks it is important to consider that the stock is doing well so there may be no reason not to increase the sub-ACL.

Motion #2: Alexander/McKenzie

The Groundfish Committee recommends no change to the midwater trawl directed Atlantic herring fishery sub-annual catch limit for Georges Bank haddock (i.e., the sub-annual catch limit would remain at 1.5%), based on Committee's review of the Plan Development Team's analysis.

Motion #2 carried on a show of hands (7/2/1).

SUB-COMPONENTS ANALYSIS

Staff explained that the PDT suggested a more formulaic approach for the sub-component analysis this year, similar to what was used for witch flounder in FW 56 and the Canadian catch stocks that are not a part of the US/Canada agreement, and said the PDT suggested the most recent 3 year average, but also would take into account other information (i.e. scallop projected catch estimates). One Committee member asked to clarify where the catch data comes from and whether the other information review includes looking at the state data for stocks with data issues. Staff clarified that this is catch data from the final fishing year catch reports from GARFO and said the PDT could review state data for stocks where there are questions with the data. Staff also explained that that goal is to prevent overfishing by setting enough aside to account for the state and other sub-components and pointed out that GB cod state and other sub-component catches ended up being much higher than what the PDT estimated, but this was not the case for witch flounder. Another Committee member asked why they don't take the accountable fisheries off the top of the ACL and then give the remainder to the other sub-components, as the current process gives ACL to the state and other components and then gives the groundfish fishery the remainder. Ms. Heil explained that this is an important exercise because the groundfish fishery is either paying on the front end through a reduction in their sub-ACL or paying on the back end from AMs due to overages. She also reminded the Committee that the PDT had recommended an increase for witch flounder sub-components to account for state catch but the Council didn't recommend this. One Committee member asked if there is an existing process that allows the PDT to look at the current year catch. Staff explained that this is done as a part of the current process. Another Committee member recommended providing the sub-components analysis for the SSC to review during specifications recommendations. She also asked whether it would be possible for the PDT to bring a 5 year average along with the 3 year average to the next meeting in order to compare. Staff responded that there would not be time to do this and get the numbers in time to run in the Quota Change Model for FW 57.

Public Comment: Maggie Raymond (Associated Fisheries of Maine) asked why the PDT used a 3 year average of catches and not a longer time period. Staff explained that they haven't had a long enough time period to determine what (2, 3, or 10 year, etc.) works best, and that a 3 year average was suggested by the PDT in order to move forward, and that it has been used before in other processes and works. Vito Giacalone (Northeast Seafood Coalition) asked for an explanation of how the overage paybacks work. Ms. Heil explained that those components of the fishery that have a sub-ACL and AMs would have the payback deducted as a pound for pound payback. Ms. Odell commented that the GAP had recommend maintaining state and other subcomponent percentages until new information is available, and said they need a more thorough analysis to understand why many quotas are reduced further and further while the state and other sub-component proportions are increasing.

FISHERY PROGRAM ADMINISTRATION TO BROADEN REGIONAL ADMINISTRATOR AUTHORITY FOR ADJUSTING COMMON POOL TRIMESTER TACS

Ms. Heil clarified that the Regional Administrator (RA) already has the authority to create new AM areas so it is possible this is already covered. The Committee decided to simplify this alternative and remove the second and third items.

Consensus Statement #2

By consensus, the Groundfish Committee recommends striking #2 and #3 from 4.2.1.2 Option 2: Broaden NMFS Authority to Modify Common Pool Trimester TACs and/or AM Closures.

“Under Option 2, the Regional Administrator would have broader authority to modify common pool trimester TACs or AM closures. The scope for this authority would include:

1. Adjusting trimester TACs for stocks that have experienced early closures (e.g., trimester 1 or 2 closures),
2. ~~Adding new or expanding existing TAC closure areas as needed (e.g., expanding the GB cod TAC AM area to cover Southern New England waters where catch of cod has increased), and~~
3. ~~Creating common pool trimester TAC apportionments and AMs for stocks which are allocated but not managed under the Trimester TAC system (e.g. SNE/MA winter flounder). The apportionment would follow the process outlined in Amendment 16 or other Council approved method.”~~

ATLANTIC HALIBUT ACCOUNTABILITY MEASURES

Staff explained that there are two sub-options to consider: extending the no possession reactive AM to all federal permit holders and developing a new gear restricted area. Staff also emphasized that analysis to determine whether the new gear restricted area is conservationally equivalent would be needed, as this is just a proposed new area, and explained that this analysis would examine the potential for all of stat area 511 and 512 to be the gear area, with these potentially being reduced if found conservationally equivalent. Ms. Heil further clarified that during the development of the AMs, because halibut is non-allocated for the commercial groundfish fishery, by itself zero possession versus one fish limit was not enough to address an overage, and so the gear restricted areas were needed too. One Committee member asked if the PDT discussed potential impacts to other fixed gear fisheries (i.e. fixed gear herring, other bait fisheries). Staff said they did not, and said the PDT needs input on whether the gear area would apply to the commercial groundfish fishery only or to all federal permit holders.

Several Committee members said they support extending the no possession reactive AM to all federal permit holders because when thinking about the goal of preventing overfishing, there is a need for those who cause the overages to feel the impacts of the AMs and not just the commercial groundfish fishery. Some Committee members were unsure about the new gear restricted area without further analysis, and were concerned that if this was the entire stat areas of 511 and 512 this would be devastating to the groundfish fishery if implemented. One Committee member suggested that instead of pursuing a new gear restricted area that instead the PDT do analysis similar to what was done for southern windowpane flounder accountability

measures to examine potentially reducing the current gear restricted areas. Another Committee member emphasized the need for more state cooperation in reducing halibut catches, acknowledging that the effort the state of Maine has taken to reduce catches and improve enforcement has helped.

Public Comment: Ms. Raymond said that the analysis for the impact of zero possession versus one fish did not take into account state catch and emphasized there is a need to get control over state catches. She also asked whether the Committee has ever discussed the idea of a maximum size limit for halibut as this would impact the state waters fishery without shutting down the federal fishery in the area. Mr. Martens said that the idea of the new area is to impact the segment of the fishery responsible for overages and asked if these areas actually have impacts in terms of reducing catch.

Motion #3: Kendall/Pappalardo

The Groundfish Committee recommends in the Atlantic halibut accountability measures section to stop work and remove Sub-Option 2B: Modified Gear Restricted Area Off the Eastern Maine Coast for All Federal Permit Holders

Motion #3 carried on a show of hands (8/1/1).

Motion #4: Pappalardo/Bellavance

Move that the Groundfish Committee tasks the Plan Development Team to apply the “windowpane accountability measure refinement approach” to the No Action Atlantic halibut gear restricted areas/accountability measures. This means the Plan Development Team can suggest options that reduce the current size and duration of the area-based accountability measures based on its analysis of the No Action alternative.

Motion #4 carried on a show of hands (10/0/0).

RECREATIONAL MANAGEMENT MEASURES

Staff explained that the Council had asked the PDT and Committee to look at three options for improving the recreational management measures process, but said to focus on option 1 (the status quo recreational management measures from A16 with the FW 48 proactive recreational management measures removed) if there are workload constraints. Staff explained that the Council recognizes there is a tension between wanting to know the recreational measures earlier in exchange for being able to achieve Optimum Yield (OY), and said that rolling back the proactive measures would mean the focus would be on staying under the sub-ACL but the fishery would lose the ability to achieve its sub-ACL (through the exercise of determining how many fish the recreational fishery can catch to reach but not exceed the sub-ACL). Staff also clarified that this new process would lose the back and forth discussion between the RAP, Council, and NMFS in exchange for earlier timing of measures. One Committee member further explained that this is an interest from the recreational fishing community to try to improve the recreational experience, with the biggest issue being that the measures are not put in place early

enough in the year in order to sell fishing trips. Another Committee member said she was having a difficult time seeing the improvement of losing OY in exchange for earlier information, but acknowledged that the recreational community might be willing to forego achieving OY and losing the public process in exchange for earlier information for customers. Ms. Heil pointed to repeated overages of the recreational sub-ACL even with the proactive measures in place, and emphasized that if the new process removes RA authority for proactive measures then the only way NMFS can address adjustments to the measures is through Council action in a framework or amendment, and there will be no way to address a potential overage even if NMFS knows the fishery may exceed its sub-ACL. Mr. MacDonald also pointed out that the proactive measures provide more flexibility. Another Committee member said this seems to be more of an issue with the process and whether this would be included in Council action rather than being an issue of having either proactive or reactive measures. The Committee decided they would like the RAP to discuss this first.

RECREATIONAL GEORGES BANK COD

Motion #5: Etrie/Alexander:

Using the 10-year (CY2007-CY2016) average catch (landings and discards) from the 2017 operational assessment for Georges Bank cod for the recreational fishery, arrive at a catch target for fishing years 2018-2020 and task the Plan Development Team to work with the Recreational Advisory Panel to develop measures designed to meet the target.

Discussion on the Motion: The maker of the motion provided rationale that the 2016 overage for GB cod was largely caused by recreational fishing and also said there is an increase in recreational GB cod catch overall that needs to be addressed. One Committee member said he supported this but wondered where it would fit in FW 57. The maker of the motion responded that she would like it to be in FW 57, but at least wants to get the RAP thinking about it at their meeting next week, but also acknowledged she does have concerns with the data since it is a threefold increase in catch from 2015 to 2016 and understands there are questions about this. Staff clarified that the idea will be to come up with a number from these averages and then ask the RAP what they think can be done to achieve this. Staff explained that part of the issue is that there is no bioeconomic model for GB cod and no model in the assessment, and so there should be an understanding that this process will be qualitative and not model-based. Staff also explained that the current measures for recreational GB cod for the states are a 10 fish bag limit for private angler and no limit for charter/party. Ms. Heil said she was concerned about the potential to turn this into a pseudo sub-ACL without treating it as a sub-ACL, and said she is not comfortable with using a 10 year average since in the early years recreational catches were low and this may set the recreational fishery up with too low of a catch target. She also emphasized that the Agency does not have the authority to adjust any other recreational catch besides GOM cod and haddock, and said that one option is to give this authority for recreational GB cod measures to NMFS but this requires Council action.

Public Comment: Ms. Raymond said she supported this as a reasonable alternative to setting a sub-ACL for this portion of the fishery, and also pointed out the rebuilding deadline of 2024 for

this stock. Mr. Giacalone also supported this motion and recommended that the RAP and PDT come up with creative ways to achieve the catch target.

Motion #5 as friendly amended

Using the most recent 5-year (CY2012-CY2016) average catch (landings and discards) from the 2017 operational assessment for Georges Bank cod for the recreational fishery, arrive at a catch target for fishing years 2018-2020 and task the Plan Development Team to work with the Recreational Advisory Panel to develop measures designed to meet the target, to possibly be used to modify management measures in Framework Adjustment 57 or as a basis for Emergency Action.

Discussion on the Motion: One Committee member said that while he knows something needs to be done for recreational GB cod, he is still concerned about the FW 57 timeline, and said he would prefer a sub-ACL for GB cod but that should be longer term action. Another Committee member agreed that the RAP should be able to weigh in on this but also thinks something should be done now, and said she is fine with including this analysis either for emergency action or inclusion in the specifications package but is still not convinced that a sub-ACL is needed now. Mr. Blount said the RAP can get through this at their meeting, and while it may be challenging because most of them are from the Gulf of Maine they do understand that emergency action is on the table. Ms. Heil said she supports this but still has concerns for derailing FW 57, and said the best approach may be to include an administrative measure in FW 57 to temporarily give the RA authority to adjust GB cod recreational measures.

Motion #5 carried on a show of hands (9/1/0).

Motion #6: Etrie/Kendall

The Groundfish Committee recommends the addition of a temporary administrative measure in Framework Adjustment 57 that allows the Regional Administrator to adjust the recreational measures for Georges Bank cod in consultation with the Council for FY2018 and FY2019 only.

Discussion on the Motion: Staff clarified that this would allow the RA authority to adjust recreational measures for GB cod but there could be scenarios where this is not needed, such as for a year with much lower catches. Mr. Blount said that the 2017 recreational catch for GB cod so far is lower than in 2016.

Motion #6 carried on a show of hands (9/1/0).

Staff explained to the Committee that the PDT's goal is to get a new version of the alternatives out next week, and the PDT will work through these issues and bring the analysis to the next Committee meeting.

The Groundfish Committee meeting adjourned at approximately 1:40 p.m.