



New England Fishery Management Council

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MEETING SUMMARY

Groundfish Advisory Panel

Webinar

September 22, 2021

The Groundfish Advisory Panel (GAP) met on September 22, 2021, via webinar to discuss and make recommendations on: 1) Framework Adjustment 63/Specifications and Management Measures; 2) Atlantic Cod Stock Structure Management Workshops; 3) possible 2022 Council priorities for groundfish; and 4) other business, as necessary.

MEETING ATTENDANCE: Ben Martens (Chairman), Jackie Odell (Vice Chair), Bonnie Brady, Gib Brogan, Cassie Canastra, David Goethel, Maggie Raymond, and Hank Soule; Dr. Jamie Courneane and Robin Frede (New England Fishery Management Council (NEFMC) staff). In addition, approximately 15 members of the public attended, including Claire Fitz-Gerald, Mark Grant, Kyle Molton, Liz Sullivan (Greater Atlantic Regional Fisheries Office (GARFO)); Rick Bellavance (Groundfish Committee Chair); Libby Etrie, Melanie Griffin, Paul Risi, Dan Salerno, and Megan Ware (Groundfish Committee members); and Janice Plante (NEFMC staff).

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated September 17, 2021; (2) Agenda; (3a) Framework Adjustment 63/Specifications and Management Measures – Draft alternatives outline; (3b) Memo from Groundfish PDT to SSC re GB yellowtail flounder OFLs and ABCs, including a memo from the Scallop PDT to the Groundfish PDT; (3c) Memo from Groundfish PDT to Committee re Framework Adjustment 63 – default specifications analysis; (3d) TRAC Status Report 2021 – Georges Bank Yellowtail Flounder; (3e) TRAC Status Report 2021 – Eastern Georges Bank Cod; (3f) TRAC Status Report 2021 – Eastern Georges Bank Haddock; (3g) Presentation: Council staff; (4) Presentation: 2021 Atlantic Cod Stock Structure Workshops; (5a) Groundfish Committee, meeting summary, Aug. 6, 2021; (5b) Groundfish Committee, meeting summary, Aug. 18, 2021; and (6) Correspondence.

The meeting began at approximately 1:00 p.m.

KEY OUTCOMES:

- The GAP recommends to the Groundfish Committee to add an alternative under the default specification process in Framework Adjustment 63 with a:
 - 9 months duration, 75% rollover of the previous year's specifications, no holdback provision, and 2-year US/CA TACs.
 - 6 months duration, 75% rollover of the previous year's specifications, no holdback provision, and 2-year US/CA TACs.

- 4 months duration, 75% rollover of the previous year's specifications, no holdback provision, and 2-year US/CA TACs.
- The GAP recommends to the Groundfish Committee that due to the potential outcome of the pending 2021 Management Track for GB cod, GB cod be considered as a priority under Framework Adjustment 63 under additional measures to promote stock rebuilding with a specific focus on recreational measures to rebuild cod.
- The GAP recommends additions to the list of possible 2022 Council priorities (included below).

OTHER BUSINESS:

One advisor wanted to add to Other Business a discussion of the At-Sea Monitoring (ASM) spend plan and the letter from the Stellwagen Bank Charter Boat Association, both included under correspondence.

AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 63/SPECIFICATIONS AND MANAGEMENT MEASURES

PRESENTATION: FRAMEWORK ADJUSTMENT 63 UPDATE, DR. COURNAINE AND MS. FREDE

Staff provided an overview of progress on Framework Adjustment 63 (FW63) development, including an overview of the draft alternatives, a brief summary of the Transboundary Management Guidance Committee/Steering Committee (TMGC/SC) recommendations on the US/CA stocks for Fishing Year 2022, and a summary of recent PDT analysis on the measure for alternatives to the default specifications process. Staff also provided a brief overview of the recent assessment peer review outcomes for Gulf of Maine (GOM) cod and Georges Bank (GB) cod, explaining that the advisors would have a more detailed discussion on this topic at their next meeting after the peer review report is available. The goal of the GAP's discussion was to receive updates on development of FW63 measures, and possibly make recommendations.

Questions and Comments on the Presentation:

One advisor said that as a sector manager he sees additional quota changes for other stocks besides what is shown in the PDT's memo and asked for a clarification of what is meant by default specifications. Staff explained that the memo focuses on stocks that have been subject to default specifications in certain years but said that there can be other quota adjustments seen with implementation of the new specifications such as those for the US/CA stocks which are specified annually. The advisor asked if there could be a hypothetical scenario in which the fishery operates under default specifications for the entire fishing year, under the PDT's recommendation of twelve months for default specifications. Staff explained that could be an outcome but noted that it is not the PDT's intent nor the Council's or GARFO's that default specifications would be needed for twelve months, but instead the PDT thinks a longer duration would avoid continued delays in the timing of annual framework actions and potential disruptions to the fishery from expiring quotas. The advisor also asked a clarifying question about what happens when the incoming year ABC is lower than the default percentage of the previous year's specifications, and staff explained that in that case the specifications would be set at the lower incoming ABC without additional reduction. Another advisor asked how the US/CA percentage share works for GB yellowtail flounder and whether this would work the same for Eastern GB cod and Eastern GB haddock. Staff explained that for GB yellowtail flounder the percentage share is held in place for Year 2, and that the Council could do the same for Eastern GB cod and Eastern GB haddock or could adjust the Year 2 specifications to be lower. The advisor expressed a concern about holding a low percentage share for longer than necessary. The

advisor also asked if there are any issues with having two-year total allowable catches (TACs) for the Eastern GB stocks in terms of how this fits with the overall GB cod and GB haddock assessments. Staff explained that the consideration of two-year TACs from the Committee came from a recognition that the 35% default specifications have been very challenging for this particular fishery, but said the advisors could consider something different for these stocks because of the resource sharing process, such as increasing beyond 35% for Year 2 but not fully 100%. The advisor asked if the PDT discussed any concerns about having default specifications in place for a long period of time, such as disruptions to the fishery or annual catch entitlement (ACE) leasing market. Staff explained that the PDT looked at annual catch limit (ACL) utilization and that for the entire fishing year most stocks don't approach 75%, and so they felt this should balance providing enough ACL for the fishery to operate with protection for stocks. Staff added that the PDT did recognize there could be impacts from having default specifications in place for a longer duration including quarterly ACE lease prices but will need to look into that more.

One advisor asked about the measure to revise GB and GOM haddock specifications and what that process would look like. Staff explained that the PDT hasn't worked on that yet, but one possibility is to look at updated fishery indicators. The advisor also acted staff to walk through the break down for GB cod to understand the breakdown between the overall US acceptable biological catch (ABC) and the Eastern GB ABC. Staff explained that the US ABC for GB cod for this year is 1308 metric tons (mt) and that the number coming out of the assessment peer review is much lower at 729 mt. Staff explained that this recommendation first must be reviewed by the Scientific and Statistical Committee (SSC) at their October meeting, so they could not provide a detailed breakdown today but could offer an example based on the current year's ABC. Staff also explained that the peer review recognized additional uncertainties this year with missing surveys but that the assessment did pass peer review, and that after subtracting the Canadian portion this leaves the US with around 300 mt. The advisor noted that with the current recreational catch target for GB cod this would leave the commercial fishery with ~100 mt and asked if there has been any discussion about revising the catch target. Staff explained that the Council can revise the catch target as well as the recreational measures to stay under the target, but that the final year-end 2020 catch numbers haven't been received yet to reevaluate this. Staff also pointed out that the TMGC meeting occurred prior to the full GB cod assessment, and so the TMGC recommendation was made using the information available at the time. The advisor asked if the recreational measures can be adjusted to account for a large change in quota outside of FW63, and staff explained that the measures would not change unless included in FW63 which could be done under the additional measures to promote rebuilding by adding GB cod or replacing GOM cod and SNE/MA winter flounder, in which the Council could work on a new recreational catch target and new measures.

Another advisor noted that there seems to be a disconnect between the Eastern GB cod assessment and full GB cod assessment, and that it looks like the Eastern GB quota is going to be 75% of the total quota when it is currently 20%. Staff responded that cod stock structure is a big part of this and the misalignment is a known uncertainty with the stock structure not being biologically appropriate. Staff explained that the Eastern GB assessment is done very differently than full GB cod, as the Eastern GB assessment now is a scenario modeling approach that can look at three surveys, while the GB assessment is an empirical method with only the two US surveys, though both do show stock conditions are poor. The advisor asked whether the SSC will try to resolve these two numbers, and staff answered that they don't know yet but that the PDT will discuss the uncertainties including missing a full year of survey data and the different method the PDT used this year to estimate catch. An advisor asked under the new cod stock structure how much of the Western GB cod area would actually become GOM, noting the much higher catch rates allowed on Georges Bank vs. the Gulf of Maine. Staff explained that this hasn't been done yet but is something the research track working group will look at, and said that the cod management workshops talked about the different areas and information available, recognizing that some have more than others. Another advisor pointed out that there aren't many surveys tows in the Great

South Channel or Southern New England area that would be used in the current PlanBsmooth approach for the GB cod assessment.

Public Comment: Drew Minkiewicz (Fisheries Survival Fund) asked a question about the potential for very low ABCs for GB yellowtail flounder and with very little catch and low prices, whether it is possible to set an ACL of zero, noting that the National Standards allow this and the courts ruled that this is the only accountability measure (AM) needed as long as catches are low. He thought this would solve a lot of the problems for groundfish and scallop fisheries around GB yellowtail flounder. Staff explained that the Scallop Advisory Panel discussed this at their recent meeting though not the Scallop Committee, and said that before looking into it further staff would like to hear from the advisors if their feelings have changed on GB yellowtail flounder to make this a discard only stock. Staff said they would also likely need to evaluate the current AMs to match this new system.

Motion #1: Goethel/Odell

The Groundfish Advisory Panel recommends to the Groundfish Committee to add an alternative under the default specification process with a:

9 months duration, 75% rollover of the previous year's specifications, no holdback provision, and 2-year US/CA TACs.

Discussion on the Motion: The maker of the motion explained that he picked nine months and 75% as these are $\frac{3}{4}$ of the year and of the quotas. He said he is sympathetic to concerns about holding the agency and the Council to the framework timelines. Several advisors thought nine months is too long, and one advisor said he is concerned about a scenario in which the ACL for a stock is increasing in the new fishing year and the fishery would be held to the lower number. He said he is concerned in particular about not having enough quota for GOM cod and about GB winter flounder as a very seasonal fishery with catches dropping off in December. He noted that in recent years when they have gotten close to the default specifications deadline the framework actions do seem to get done in time, and thought that maybe just one additional month for the defaults specifications process should help.

Motion #1 carried on a show of hands (3/2/2).

Motion #2: Raymond/Goethel

The Groundfish Advisory Panel recommends to the Groundfish Committee to add an alternative under the default specification process with a:

6 months duration, 75% rollover of the previous year's specifications, no holdback provision, and 2-year US/CA TACs.

Discussion on the Motion: The maker of the motion said she thinks nine months is too long and six months too, but also doesn't want to be in the situation again that the fishery was this year facing the default specifications deadline. She added she is not sure if she would vote for this option as preferred but would like to see it analyzed. In response to a question, staff clarified that these are recommendations for alternatives to be added to the document and not preferred alternative recommendations.

Motion #2 carried on a show of hands (5/0/1).

Motion #3: Soule/Raymond

The Groundfish Advisory Panel recommends to the Groundfish Committee to add an alternative under the default specification process with a:

4 months duration, 75% rollover of the previous year's specifications, no holdback provision, and 2-year US/CA TACs.

Discussion on the Motion: The maker of the motion said he is hoping through this option to understand what the bottlenecks are causing delays in the rulemaking process for annual framework actions and whether an additional month would help.

Motion #3 carried on a show of hands (6/0/1).

Motion #4: Odell/Raymond

The Groundfish Advisory Panel recommends to the Groundfish Committee that due to the potential outcome of the pending 2021 Management Track for GB cod, GB cod be considered as a priority under Framework Adjustment 63 under additional measures to promote stock rebuilding with a specific focus on recreational measures to rebuild cod.

Rationale:

- The GAP discussed the potential outcome and ramifications of the GB cod assessment, which included the recreational measures likely not being reconsidered under the new assessment unless specified under FW 63.
- A final 2021 Management Track Report is not yet available, likely not available until the SSC Meeting in October, but the PlanBSmooth assessment approach is calculating a much lower ABC than anticipated.
- When coupled with the TMGC negotiated GB cod east for 2022, there is concern a significant reduction in the west may likely occur.
- Unfortunately, the release of this assessment information will not be made available until a subsequent GAP / Committee meeting (November) with the final Council vote on Framework 63 scheduled for the Council's December meeting.
- Concerns on the timing of Council taking final action, Agency rule-making and default specifications has been an ongoing discussion and has been prioritized measure under Framework 63.
- It seems prudent to be proactive now and not wait until the final release of information when there will be reportedly no time to problem solve.
- A Research Track for Atlantic cod is in the process of being finalized, with final results expected in 2023. Until such time as a more thorough assessment process occurs and this assessment can better reflect fishery dependent data and research at large, the PlanBSmooth is the assessment approach followed – and GB cod will have a very low ABC set under Framework 63 for 2022 and 2023 that will be detrimental to the fishery at large.

Discussion on the Motion: The maker of the motion explained that the specific focus on recreational measures is because these won't be adjusted otherwise, and she thinks this is necessary given the status of GB cod. Staff asked to clarify whether this would remove the other two stocks (GOM cod and Southern New England/ Mid-Atlantic (SNE/MA) winter flounder) from additional rebuilding measures in FW63, and the advisor said she is not sure yet which is why GB cod is listed as a priority to be included as one of the three stocks considered.

Motion #4 carried on a show of hands (6/0/0).

AGENDA ITEM #2: ATLANTIC COD STOCK STRUCTURE MANAGEMENT WORKSHOPS

PRESENTATION: ATLANTIC COD STOCK STRUCTURE MANAGEMENT WORKSHOPS, DR. COURNANE

Staff provided an overview of the cod stock structure management workshops including a brief summary of the topics and discussions during each of the workshops, as well as the timeline and next steps for this work. Staff explained how these management workshops fit in with the previously held science/assessment workshops. Staff noted that these workshops were intended as information gathering only, and that a full report for the workshops would be available later this year.

Questions and Comments on the Presentation:

One advisor asked if there are summary notes or recordings of the meetings available, noting that she was not sure many fishermen from Southern New England were able to. Staff explained that the meeting summaries will be available soon and will also check with the planning team on recordings. Staff also said that there were recreational fishery participants from Southern New England in attendance but not commercial fishermen, and that in general they could have had better representation from active commercial fishermen and private anglers, though people representing private anglers as well as party/charter fishermen were in attendance. Staff also clarified that these workshops were not part of the Council process, which will happen later with additional opportunities for feedback, and that these workshops were intended as brainstorming for discussion purposes. Another advisor asked if there have been any announcements regarding the cod research track assessment working group and whether the idea is to provide this information for the working group. Staff answered that the research track working group will likely start by considering the assessment prospects report from the previous science/assessments workshops but that they would likely consider the management workshops report too. Staff also explained that when the management workshops were organized it was anticipated that the research track working group would be starting sooner to start having discussions on assessment workshops with overlap between the two processes, and so the organizing team had to make adjustments.

An advisor asked if staff are seeking input on the management scenarios that were discussed during the workshops or whether this is more informative at this stage. Staff answered that this is informative at this point in the process, and that a summary of the discussions of the breakout groups on the management scenarios presented will be prepared for the report. Staff added that most discussion groups were not ready to discuss US/CA management, and that many felt Option 3 most closely matches the biological information, though it is not perfect. Another advisor asked whether there is a written document explaining the rationale for developing the particular management scenarios presented in the workshops. Staff explained that the rationale for these scenarios will be described in the meeting summary and that

these were based in part on practicality considering the challenge of distinguishing between the GOM winter and spring spawners. Staff also noted that the presentation by Dr. Lisa Kerr on the management strategy evaluation (MSE) project also given during the last workshop explains the thinking on these scenarios, which will be tested through the MSE process. The advisor said she is concerned about Option 4 with inshore/offshore groups, and staff said that most of the breakout groups were too. Another advisor provided his thoughts on the scenarios, saying that he Option 3 is closest from a biological point of view to the different stocks, and that the original stock boundaries were based on practicality and not biology. He thought Option 2 could be plausible too, but that Option 4 is impractical for port sampling. He also commented on the letter the Council received from the agency on inadequate rebuilding progress for GOM cod, saying he is not sure how to make progress on rebuilding until the science on cod stock structure has been resolved, and is concerned about the Council taking drastic actions that aren't based in scientific reality.

AGENDA ITEM #3: POSSIBLE 2022 COUNCIL PRIORITIES

Staff provided an overview of the list of possible 2022 Council priorities for groundfish, and explained that the advisors could recommend additional priorities today to add to the list. Staff explained the next steps in the Council priority setting process would be to rank the priorities.

Questions and Comments on the Presentation:

An advisor asked about the Committee suggestions from their August meeting, and staff responded they are not sure why these are not included in the Executive Committee list and will make sure those are added.

Motion #5: Raymond/Canastra

The GAP recommends that the Committee agree to the following priority: as a first step in evaluating alternative control rules for groundfish, the PDT should develop explicit criteria for the use of the constant ABC approach as candidates for OFLs/ABC's, including rationale for holding the lowest projection constant. The criteria developed will be approved by the Council and provided to the SSC. The criteria can be used by the SSC until the Council completes its multi-year priority to address revised control rules for groundfish.

Rationale:

- 1) The control rule is currently silent on criteria for use of the constant ABC approach.
- 2) In November 2019, the Groundfish committee passed a unanimous motion to include as a 2020 priority a task for the PDT to develop explicit criteria on the use of the constant ABC approach.
- 3) The SSC has requested clear guidance on the use of the constant ABC approach. Some was provided in a recent memo to the SSC Chair in support of the December 2019 Council motion to remand the ABC recommendations for plaice and both haddock stocks. However, despite the Char's memo no explicit criteria has yet been established.

Discussion on the Motion: The maker of the motion explained that the advisors had recommended this as a priority for the 2020 priorities and had a sense that this got wrapped into the multi-year priority on revising the ABC control rules, but since there has been another round of SSC recommendations with inconsistent use of constant ABCs, she felt this needed to be brought forward again.

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

Motion #6: Raymond/Brady

The GAP supports the priority suggested by the Groundfish Committee on August 18, 2021:

Develop a protocol for timely review and revision, as appropriate, of biological reference points relative to prevailing environmental conditions.

Rationale: By way of example, lack of progress on rebuilding SNE winter flounder is not impeded by fishing mortality, so is likely impeded by prevailing environmental conditions. Additional restrictions on fishing are not likely to improve stock status, therefore it is prudent to review and possibly revise the biological reference points for this stock and others under prevailing environmental conditions.

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

Motion #7: Martens/Goethel

The GAP supports the priority suggested by the Groundfish Committee on August 18, 2021, with a revision to include sector and common pool

Examine vessel upgrade restrictions for horsepower and length for groundfish vessels [possible white paper]

Discussion on the Motion: One advisor said she is sympathetic to this but can't support it as the Council has addressed this several times, including once through an amendment a few years ago which removed the tonnage requirement but not horsepower or length requirements, and noted that the Groundfish Committee looked at this again specifically for sectors but rejected it. The maker of the motion said he had looked at these actions, and said that some of the issues raised at the time were administrative issues which may have changed now. Another advisor said these requirements limit vessel operators from being able to upgrade their vessels and supported looking into this.

Motion #7 carried on a show of hands (5/1/0).

Motion #8: Soule/Raymond

The GAP supports the priority suggested by the Groundfish Committee on August 18, 2021:
Develop a recreational angler permit with reporting requirements for cod

Discussion on the Motion: The maker of the motion said that with the cod stocks in a bad situation there has been a recognition that recreational reporting could use improvements to better understand removals. Another advisor asked if this reporting would be for private anglers to get a permit, or also for anglers on party/charter vessels, and the maker of the motion said that this is about reporting for the private anglers, as he thinks the charter boats would cover the reporting for their customers. The advisor said he thought there could be a lot of options to consider, including a tagging program like that for recreational tuna fishing.

Motion #8 carried on a show of hands (6/0/0).

AGENDA ITEM #4: OTHER BUSINESS

The advisor who had raised the issue under Other Business had to leave early, so no discussions on the ASM spend plan or the letter from the Stellwagen Bank Charter Boat Association were held.

The Groundfish Advisory Panel meeting adjourned at approximately 4:26 p.m.