



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 Committee

Four Points by Sheraton, Wakefield, MA

September 18, 2018

The Groundfish Committee (Committee) met on September 18, 2018 in Wakefield, MA to discuss and make recommendations on: 1) draft alternatives and analysis in Framework Adjustment 58: Specifications/Management Measures; 2) an update on Amendment 23: Groundfish Monitoring; 3) a draft list of possible groundfish priorities for 2019 for the Council; and 4) other business as necessary.

MEETING ATTENDANCE: Terry Stockwell (Chair), Terry Alexander (Vice Chair), Rick Bellavance, Libby Etrie, Sarah Heil (GARFO), Meredith Mendelson (proxy for Patrick Keliher), Matt McKenzie, John Pappalardo, Melanie Griffin (proxy for David Pierce) and Mitch MacDonald (NOAA General Counsel); Dr. Jamie Cournane and Robin Frede (NEFMC staff); and Ben Martens (GAP Chair). In addition, approximately 6 members of the public attended, including Mark Grant, Emily Keiley, and Liz Sullivan (GARFO).

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) Meeting memorandum and agenda dated September 7, 2018; (2) Presentations: Council staff; (3) TRAC/TMGC presentation: Transboundary Management Guidance Committee Chair; (4a) Framework Adjustment 58: Specifications and Management Measures - Draft alternatives under development (September 14, 2018); (4b) Memo from Groundfish PDT to SSC re GB yellowtail flounder ABCs, including a memo from the Scallop PDT (August 9, 2018); (4c) Memo from Groundfish PDT to SSC re Rebuilding strategies for several groundfish stocks (August 13, 2018); (4d) Memo from Groundfish PDT to the Committee re development of alternatives for Framework Adjustment 58 (September 14, 2018); (5) Amendment 23: Groundfish Monitoring - Memo from Groundfish PDT to the Committee re progress report on Amendment 23 (September 10, 2018); (6a) Groundfish Committee meeting summary, June 1, 2018; (6b) Fishery Data for Stock Assessments Working Group meeting summaries from June 25, Aug. 6, and Sept. 7, 2018, located here: <https://www.nefmc.org/committees/fishery-data-for-stock-assessment-working-group>; (6c) SSC meeting summary, Aug. 15, 2018 as two SSC memos to Executive Director Tom Nies re 1) GB yellowtail flounder and 2) rebuilding strategies, located here: <https://www.nefmc.org/committees/scientific-and-statistical-committee>; (6d) DRAFT Groundfish Advisory Panel meeting motions, Sept. 18, 2018; and (7) Correspondence.

The meeting began at approximately 1:50 p.m.

KEY OUTCOMES:

- The Groundfish Committee (Committee) recommends to the Council to accept the US/CA 2019 quotas for Eastern Georges Bank cod (650mt), Eastern Georges Bank haddock (30,000mt), and Georges Bank yellowtail flounder (140mt) as carefully negotiated by the US Transboundary Management Guidance Committee.
- The Committee recommends to the Council that revised rebuilding plans follow guidance and flexibility as prescribed by National Standard 1, specifically, to focus attention on fishing mortality rates. To develop options for:
 - Stocks with projections (Georges Bank winter flounder and Southern New England/MidAtlantic yellowtail flounder) at 50%FMSY and 75%FMSY, up to 10 years.
 - Stocks without projections (witch flounder, Northern windowpane flounder, and ocean pout) at 50%FMSY and 75%FMSY, consider undefined.
- For the stocks examined by the Plan Development Team (PDT), the Committee recommends to the Council that the state waters sub-component percentages remain at status quo and recommends the PDT further refine the other sub-components.
- The Committee recommends to the Council to add in Section 4.2.1.2 Option 2: Exempt vessels fishing in NAFO waters from Northeast Multispecies Fishery Management Plan (FMP) commercial minimum fish sizes. NAFO regulations would still apply.
- By consensus, the Committee recommends to the Council discontinuing work on guidance on sector overages in Framework Adjustment 58.
- The Committee reaffirms to the Council that improving catch accounting should be the primary goal of Amendment 23, but does not know at this time what level to which to improve catch accounting as a standard for this action. The Committee recommends to the Council convening a joint Plan Development Team, Groundfish Advisory Panel, and Committee meeting to establish standards for improving catch accounting and monitoring.

OTHER BUSINESS:

Mr. Alexander added consideration of including scallop fishery flatfish accountability measures in Framework Adjustment 58 to discussion under Other Business.

AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 58

PRESENTATION: TMGC GUIDANCE COMMITTEE REPORT, CHAIRMAN STOCKWELL

Mr. Stockwell provided a brief overview of the Transboundary Management Guidance Committee (TMGC) 2019 guidance report, including a summary of the U.S./Canada TMGC and Steering Committee meetings. He provided an overview of the TMGC recommendations for total allow catch (TAC) for the three stocks managed under the U.S./Canada resource sharing understanding – Georges Bank (GB) yellowtail flounder, Eastern GB cod, and Eastern GB haddock – and explained the discussion surrounding these stocks at the meetings. Mr. Stockwell also provided a summary of recommendations for 2019 Transboundary Resource Assessment Committee (TRAC) Terms of References (TORs).

PRESENTATION: GAP REPORT, MR. MARTENS

It was decided that Mr. Martens would walk through the GAP motions and provide an overview of discussion on these under each of the sections of the FW 58 alternatives for discussion.

U.S./Canada Total Allowable Catches

Motion #1: Alexander/McKenzie

The Groundfish Committee recommends to the Council to accept the US/CA 2019 quotas for Eastern Georges Bank cod (650mt), Eastern Georges Bank haddock (30,000mt), and Georges Bank yellowtail flounder (140mt) as carefully negotiated by the US Transboundary Management Guidance Committee.

Discussion on the Motion: One Committee member asked for an explanation for the language of “carefully negotiated”. Mr. Martens explained that the GAP wanted to convey the fact that it doesn’t necessarily endorse these numbers but recognizes the difficulty of the negotiations.

Motion #1 carried on a show of hands (8/0/0).

PRESENTATION: FW 58, DR. COURNANE

Staff provided a brief overview of Framework Adjustment 58 (FW 58), which includes the following measures: specifications for FY2019 for US/Canada stocks (GB yellowtail flounder, Eastern GB cod, and Eastern GB haddock); revised/new rebuilding plans for several stocks (GB winter flounder, Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder, witch flounder, Gulf of Maine (GOM)/GB windowpane flounder, and ocean pout); exemptions to Northeast Multispecies Fishery Management Plan (FMP) commercial minimum fish sizes for vessels fishing exclusively in Northwest Atlantic Fisheries Organization (NAFO) waters; and additional guidance on sector overages. Staff walked through the draft alternatives to date as drafted by the PDT from the Committee’s recommendations, and explained that the PDT will revise these based off GAP and Committee recommendations at today’s meetings. Staff also presented the PDT’s preliminary abbreviated sub-component analysis for stocks that had either been identified by the Council as being a special case (GB cod, GOM cod, GOM winter flounder, witch flounder, and Atlantic halibut), or had much lower 2017 catches than previously estimated for the 2016 stock assessments used in the rebuilding plan option projections (GB winter flounder), as well as PDT recommendations for revising sub-components for these stocks. Staff explained that this was an effort to complete the sub-component analysis earlier in the framework process. The goals of the Committee’s discussion were to provide guidance on development of the draft alternatives and possibly make recommendations to the Council on the draft alternatives.

Questions and Comments on the Presentation:

One Committee member asked with regard to the high amount of GOM cod research catch whether it is anticipated that this catch will result in triggering an overage, and whether they could find out if this research will be ongoing into 2019. Ms. Heil said that from the preliminary numbers it does appear there is an overage for both the annual catch limit (ACL) and acceptable biological catch (ABC) for GOM cod, and that an overage of the recreational sub-ACL seems likely while the commercial fishery is approaching full utilization of its ACL, and noted that the other sub-components only had 10mt set aside and so it is likely the high catches in this other component contributed to the overage too. She explained

that GARFO will be updating the 2017 catch numbers and going over the payback. Ms. Heil said it is difficult to say whether the high research landings of GOM cod will continue on these research projects that are operating under a Letter of Allowance (LOA), and clarified that GARFO monitors research catches in season. The Chair added that the Executive Committee had asked Mike Pentony to give a report out on the details of this research project that resulted in large cod landings, as they are concerned that the vessel is being paid in fish which perhaps should have been discarded. Ms. Heil explained that some projects do compensate the participating vessels and offset costs with sale of fish but clarified that GARFO encourages the project PIs to minimize mortality of species of concern, and also noted that the 22mt research catch was not from one vessel although one did hold the majority. Mr. Martens asked if a groundfish research set-aside (RSA) would allow more control over how the groundfish quota gets divided out to research projects. Ms. Heil said that would likely not be the solution, as vessels under RSAs are still able to sell catch. One Committee member asked if last year's high research catch is an indicator of a change in research catches. Staff explained that the last few years before 2017 were fairly low. The Committee member also asked whether there are any stocks that stand out as needing a sub-ACL, or whether this should be done at a later step. Staff said this would not be done for this year, but explained that when the revised MRIP numbers come out the Committee may want to think about creating sub-ACLs for pollock and other recreationally important species.

Rebuilding Plans

Discussion:

Staff explained that the PDT needs more specific guidance for these rebuilding plans, and that the Committee should think of these as two different groups: stocks with projections and stocks without projections. One Committee member said that for the stocks with projections, she noted the PDT's point that projections are overly optimistic, and so she thinks the Committee should be recommending a 10 year timeline with a range of 50% FMSY and 75% FMSY, and for stocks without projections these should have undefined timelines.

Motion #2: Alexander/Etrie

The Groundfish Committee recommends to the Council that revised rebuilding plans follow guidance and flexibility as prescribed by National Standard 1, specifically, to focus attention on fishing mortality rates rather than fixed rebuilding time periods.

Discussion on the Motion: One Committee member disagreed with saying "rather than fixed rebuilding time periods", as she doesn't think this is the same for all stocks. Ms. Odell said she is fine with taking this out and just focusing on fishing mortality rates, and explained that the GAP had taken this language from the letter from Tom Nies to NMFS addressing rebuilding timelines. She also said it is frustrating not to take a step back and assess what is happening with rebuilding plans, and that the Council needs the flexibility to respond to changes and should recognize there are changes to the stocks outside what managers can do. Another Committee member pointed out that for all these stocks the Bigelow survey vessel struggles to catch these and the assessments are not matching what fishermen report seeing. He also noted that the Council program review said the Council needs more social and economic impacts considerations in its decisions. Another Committee member said it is frustrating to still see different factions arguing for different things and that the underlying problem is the need for better fishery data coming in to assessments, which should come from A23 and the Northeast Trawl Advisory Panel.

Motion #2a to amend: Alexander/Etrie as friendly amended

The Groundfish Committee recommends to the Council that revised rebuilding plans follow guidance and flexibility as prescribed by National Standard 1, specifically, to focus attention on fishing mortality rates. To develop options for:

- Stocks with projections (Georges Bank winter flounder and Southern New England/Mid Atlantic yellowtail flounder) at 50%FMSY and 75%FMSY, up to 10 years.
- Stocks without projections (witch flounder, Northern windowpane flounder, and ocean pout) at 50%FMSY and 75%FMSY, consider undefined.

Motion #2b to amend: McKenzie/Pappalardo

The Groundfish Committee recommends to the Council that revised rebuilding plans follow guidance and flexibility as prescribed by National Standard 1, specifically, to focus attention on fishing mortality rates. To develop options for:

- Stocks with projections (Georges Bank winter flounder and Southern New England/MidAtlantic yellowtail flounder) at 25%FMSY, 50%FMSY and 75%FMSY, up to 10 years.
- Stocks without projections (witch flounder, Northern windowpane flounder, and ocean pout) at 25%FMSY, 50%FMSY and 75%FMSY, consider undefined.

Discussion on the Motion: One Committee member said that for the stocks without projections, she agrees that ocean pout is undefined and maybe northern windowpane too, but doesn't think that witch flounder is, since there is aging data available but there just is no model to consider it. She said she doesn't want the Council to feel it is locked in to setting the rebuilding plans for these stocks as undefined. Staff explained that the motion is to consider these, and staff will be able to examine these to see whether a case can be made for setting the rebuilding timeline as undefined or not.

Motion #2b to amend failed (1/6/1).

Motion #2a as the main motion carried on a show of hands (6/1/1).

Annual Catch Limits

Discussion:

Staff explained that the PDT is hoping to be able to take input from the September Council and then refine these sub-components to run the Quota Change Model (QCM) for FW 58, but that if these sub-components are refined later then this may push out the QCM results until the December Council meeting. One Committee member asked whether it is reasonable to assume the state sub-component for GOM cod and GOM winter flounder will decrease given efforts by the state of Massachusetts to control these catches. Ms. Griffin (Massachusetts Division of Marine Fisheries (MADMF)) said the MADMF advisory panel is looking at measures to bring state catches in line with the assigned sub-components, including an April closure and owner/operator provisions, and said there will be hearings to consider these held in late fall.

Motion #3: Alexander/Etrie

For the stocks examined by the Plan Development Team (PDT), the Groundfish Committee recommends to the Council that the state waters sub-component percentages remain at status quo and recommends the PDT further refine the other sub-components.

Discussion on the Motion: One Committee member asked what the rationale was for recommending to keep the state sub-components the same and adjust some of the other sub-components. Mr. Martens explained that the GAP is interested in making sure the states are held accountable and recognizes that most other sub-components have ACLs.

Motion #3a to amend: Griffin/XX

For the stocks examined by the Plan Development Team (PDT), the Groundfish Committee recommends to the Council that the state waters sub-component percentages remain at status quo except state waters GOM cod be set at 12.5% and recommends the PDT further refine the other sub-components.

Motion #3a to amend failed due to lack of a second.

Motion #3 carried on a show of hands (5/0/3).

NAFO Regulatory Area

Discussion:

One Committee wanted to clarify that vessels cannot fish on the same trip in both the NAFO area and in U.S. waters.

Motion #4: Etrie/Alexander

The Groundfish Committee recommends to the Council to add in Section 4.2.1.2 Option 2: Exempt vessels fishing in NAFO waters from Northeast Multispecies Fishery Management Plan (FMP) commercial minimum fish sizes. It would be clarified under Option 2 that the minimum fish sizes would be as specified in the NAFO Conservation and Enforcement Measures (CEM) – which may change on an annual basis. NAFO regulations would still apply.

Motion #4 carried on a show of hands (8/0/0).

Guidance on Sector Overages

Discussion:

Mr. Martens explained that the GAP received an update on this item from Ms. Heil that NMFS has determined current guidance on sector overages is sufficient, based on reconciliation of Sector 9 overages this year.

Consensus Statement #1:

By consensus, the Groundfish Committee recommends to the Council discontinuing work on guidance on sector overages in Framework Adjustment 58.

AGENDA ITEM #2: OTHER BUSINESS

The Committee discussed scallop fishery flatfish accountability measures (AMs) and whether to include this item in FW 58, but decided to wait until the Council meeting to decide on this. Staff said they can bring to the Council meeting information about the new scallop fishery flatfish AMs and the percentage of ACLs for each stock that goes to the scallop fishery.

AGENDA ITEM #3: AMENDMENT 23

PRESENTATION: A23, MS. FREDE

Staff provided an overview of the PDT's progress report on Amendment 23 (A23), including an update on the timeline for A23 development, a summary of a PDT memo from September 10, 2018 which includes an overview of the draft alternatives, an overview of ongoing PDT analyses to address Committee recommendations related to fixed coverage level analysis and development of dockside monitoring (DSM), and an additional analysis to address a Committee recommendation to analyze groundfish fishing activity west of 72 degrees 30 minutes west longitude to see whether it would be appropriate to exempt these vessels from at-sea monitoring (ASM) and DSM, several questions for the Committee to consider regarding development of alternatives, as well as a draft glossary of key term for A23. Staff also provided an update on the work of the Fishery Data for Stock Assessment Working Group, as this group is related to A23 and monitoring. The goals of the Committee's discussion were to provide guidance on development of the draft alternatives and PDT analyses and possibly make recommendations to the Council on the draft alternatives.

Questions and Comments on the Presentation:

Ms. Heil provided an announcement from NMFS on the current low observer coverage levels for the groundfish fishery, explaining that the average coverage across all sectors is at 7% while most sectors are below 10% and some as low as 2%, and said these seem to be stagnant or are continuing to decline. She explained that these low coverage levels are due to both provider issues, including insufficient observer staff available and prioritization of other types of trips (e.g. scallops), and vessel issues, including Pre-Trip Notification System (PTNS) non-compliance, observer refusal, observer avoidance, and high cancellations. Ms. Heil said that GARFO is working with the providers to address these issues including scheduling additional observer trainings to bring in additional observer staff, and explained that GARFO

is also providing guidance to sectors on correcting compliance issues, which should be available at the Council meeting.

Some Committee members had questions about the PDT analyses on fixed coverage levels, and staff clarified that would be opportunities for follow up with the PDT analyst at a later meeting. One Committee member ask whether the PDT will explore issues of potential discarding fish on unobserved trips. Staff explained the PDT is planning to address this but acknowledges it is challenging. One Committee member asked about the analysis of groundfish fishing activity west of 72 degrees 30 minutes west longitude and whether the PDT would provide a recommendation as to whether it would be appropriate to exempt these vessels from ASM and DSM. Staff clarified that the PDT addressed this request for analysis but is not recommending a threshold for exemption, as this is a Committee decision. Another Committee member recommended setting this analysis aside for now, as the Committee needs to know the objectives first before discussing exemptions. Another Committee member noted that at this point they do not have an understanding of the level of uncertainty and level of bias in monitoring data, and that the PDT is still working towards attempting to quantify these.

Discussion:

Addressing the questions the PDT raised to the Committee related to development of the alternatives, one Committee member said he thinks that one of the main objectives of DSM is accurate dealer landings, as the goal is for an open and fair market, and said he wasn't sure whether dealers or vessels should be responsible for DSM. He also pointed out that there any no other catch share programs without a DSM component in the U.S. Mr. Martens provided an overview of the GAP's motions on DSM, noting that the GAP discussed that it would like to see the alternatives set up to have a variety of options as tools to address monitoring, and explained that the GAP thinks that DSM should be a component of a comprehensive monitoring plan complementary to at-sea monitoring and not a stand alone option. He said the GAP had concerns about including the common pool under DSM [as had been specified in the original Committee motion tasking the PDT to develop DSM as an alternative], as some advisors are concerned about the common pool's ability to afford DSM. One Committee member said they should look to the A23 purpose and need to guide in decisions about the objectives of DSM. Ms. Odell further explained that the GAP wants to make sure they get the most value out of any DSM program.

One Committee member said she is not ready to completely remove a stand-alone DSM alternative yet, as one goal of DSM could be for accurate landings by having dealer reports be as close to a census as possible. She also agreed that a voluntary DSM option could be an integral component of monitoring tools like maximized retention EM. Additionally, she discussed the idea of DSM as serving an additional compliance role, and said the Committee may want to have the PDT look at areas like dealer/vessel vertical integration and multiple stock area reporting. She addressed some of the PDT's questions on DSM and asked that as a way to address the issue of remote ports, whether there could be an option of states providing DSM for remote ports. Mr. MacDonald explained that this was addressed in the herring Industry-Funded Monitoring (IFM) amendment, which was written so that if states had funding they could fill in for some ports. He also cautioned not building in enforcement as part of DSM, as DSM should fill a compliance role coupled with monitoring, and said the benefit of DSM is to corroborate and provide an independent data source. Another Committee member noted that the Committee seem to be struggling with how to design the alternatives to allow sectors to use different tools, perhaps since in the past the sectors would bring these ideas. Commenting on the DSM questions, she acknowledged the frustration with the previous DSM program that did not provide any new information that was used, but said this could change if DSM could become the official data source. She also said she thought there could be other reasons for DSM beyond a concern with widespread dealer misreporting, as it could be another way to get real time data that is perhaps more accurate than dealer reporting. One Committee member said that while she sees DSM as a potential tool, she thinks there is a question of whether vertical

integration is a big concern beyond the Carlos case, and suggested the Committee consider asking the PDT to look into how much vertical integration is occurring. She said she could see DSM as a compliance tool and would be okay with dealers paying for it, but said the Committee should think about DSM objectives and whether it is concerned about a large scale dealer reporting problem for the groundfish fishery, or whether there are other larger issues. One Committee said he wouldn't support mandatory DSM for all vessels and trips but does think it can be a component of completing catch monitoring (e.g. maximized retention), and said he thinks A23 should spend the most time on working towards better catch verification as this will improve the assessments. He also emphasized that there will need to be time allowed for sectors to reorganize based on willingness to try different monitoring strategies.

The Chair said at this point he thinks the Committee is at an impasse for A23, and emphasized that the PDT needs specific guidance on how to move ahead with developing the alternatives and analyses. Staff added that the PDT can continue to draft the alternatives and ask questions to try to address Committee motions, but that it is clear that they need to step back and ask the Committee to provide an idea of what standards for monitoring the fishery it would like the draft alternatives to work towards. Staff said they hope to get feedback on this today so the PDT can work on drafting new alternatives, and explained that the PDT has done a lot of analysis but can only take this so far. Several Committee members said that they were under the impression that some of the fixed target coverage level analysis the PDT has been working on would be able to determine a metric to find the coverage level that minimizes bias and would like to follow up on this, saying they need a metric to use as a target for monitoring coverage from the PDT. Staff emphasized that while the PDT can work on this analysis, they also need to know what the Committee would like to improve, for example, if the goal is that catch accounting should be addressed by A23. Several Committee members agreed that the main goal of A23 should be catch accounting and Annual Catch Entitlement (ACE) [quota] setting for sectors. Several Committee members also agreed that the Committee should be thinking in terms of tools to achieve catch accounting rather than stand-alone alternatives. One Committee member pointed out that the Committee has guidance on analyzing fixed coverage levels and that one theme from today is that DSM should not be stand along program but could be a component of a comprehensive monitoring Plan. Mr. Martens asked whether the PDT needs guidance from the Committee in order to organize the alternatives to be more goals/objectives based and discuss different tools/options, and also said the PDT may want to think about discussing and developing a process for how these tools would be approved for sectors. One Committee member said the Committee should not forget about cost when developing monitoring alternatives. Another Committee member said the Committee needs to focus first on determining a monitoring coverage level, as the fishery has been struggling for a long time due to low coverage levels.

Motion #5: Pappalardo/McKenzie

The Groundfish Committee reaffirms to the Council that improving catch accounting should be the primary goal of this action. The Committee does not know at this time what level to which to improve catch accounting as a standard for this action. The Committee recommends convening a "Committee of the whole session" or extra time for the discussion at the December Council meeting.

Motion #5a to amend: Mendelson/Heil

The Groundfish Committee reaffirms to the Council that improving catch accounting should be the primary goal of this action. The Committee does not know at this time what level to which to improve catch accounting as a standard for this action. The Committee recommends to the Council convening a joint Plan Development Team, Groundfish Advisory Panel, and Committee meeting to establish standards for improving catch accounting and monitoring.

Discussion on the Motion: The maker of the motion explained her concern that the issue of picking monitoring standards would just get pushed to the Council with addressing it and making progress. Another Committee member said he prefers the “Committee as a whole” approach, as he thinks it is easy with technical analyses to get lost in the weeds and that the Committee should be focused on bigger picture goals and improving the fishery. One Committee member asked if there is a description of the current catch accounting system available in one place. Staff explained that the PDT and Council staff are planning to put together all the documents, analysis, etc. together on the Council website as a way to keep track of PDT analyses and bring them forward.

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

*Motion #5a as the main motion **carried** on a show of hands (8/0/0).*

AGENDA ITEM #4: 2019 COUNCIL PRIORITIES

The Committee ran out of time to discuss Council priorities, and the Chair decided this would be completed at the September Council meeting.

The Groundfish Committee meeting adjourned at approximately 6:30 p.m.