



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 Advisory Panel

DoubleTree by Hilton, Danvers, MA

November 8, 2018

The Groundfish Advisory Panel (GAP) met on November 8, 2018 in Danvers, MA to discuss and make recommendations on: 1) draft alternatives and analysis in Framework Adjustment 58: Specifications/Management Measures; 2) possible groundfish priorities for 2019 for the Council; and 3) other business as necessary.

MEETING ATTENDANCE: Ben Martens (Chairman), Bonnie Brady, David Goethel, Bert Jongerden, Paul Parker, Maggie Raymond, Mike Russo, and Hank Soule; Dr. Jamie Cournane and Robin Frede (NEFMC staff); and Terry Stockwell (Groundfish Committee Chair). In addition, approximately 10 members of the public attended, including Mike Pentony (GARFO Regional Administrator), Sarah Heil, Mark Grant, Emily Keiley, Liz Sullivan (GARFO), Terry Alexander, Rick Bellavance, Libby Etrie, Melanie Griffin (Groundfish Committee/Council members), and Captain Kevin King (U.S. Coast Guard).

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) Meeting memorandum and agenda dated October 31, 2018; (2) Presentation: Council staff; (3a) Framework Adjustment 58: Specifications and Management Measures - Draft alternatives; (3b) Memo from Groundfish PDT to Committee re analysis for Framework Adjustment 58); (4a) Background for 2019 Priorities Discussion - Memo from Groundfish PDT Chair to Committee on peer review of PDT analysis for Amendment 23; (4b) Memo from Groundfish PDT to Committee on joint PDT/AP/Committee meeting planning for Amendment 23; (5a) Groundfish Advisory Panel meeting summary, Sept. 18, 2018; (5b) Groundfish Committee meeting summary, Sept. 18, 2018; and (6) Correspondence.

The meeting began at approximately 8:35 a.m.

KEY OUTCOMES:

- The GAP recommends that the Groundfish Committee (Committee) adopt the following rebuilding options as preferred (see Groundfish PDT memo, dated November 7, 2018):
 - Georges Bank winter flounder – Sub-Option B2 ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} = 10$ years)
 - Southern New England/Mid-Atlantic yellowtail flounder – Sub-Option B2 ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} = 10$ years)
 - Witch flounder – Sub-Option B ($F_{\text{rebuild}} = 7\%$ exploitation rate and $T_{\text{target}} = \text{undefined}$)
 - Northern windowpane – Sub-Option B ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} = \text{undefined}$)
 - Ocean pout – Sub-Option B ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} = \text{undefined}$)

- The GAP recommends to the Committee to select as preferred:
 - In Section 4.1.2 Annual Catch Limits: 4.1.2.2, Option 2: Revised Annual Catch Limit Specifications
 - In Section 4.2.1 Minimum Fish Size Exemptions for Vessels Fishing in the NAFO Regulatory Area, Option 2 Exempt vessels fishing in the NAFO Regulatory Area from Northeast Multispecies Fishery Management Plan (FMP) commercial minimum fish sizes, and
 - In Section 4.3.1 Atlantic Sea Scallop AM Implementation Policy, Option 2 Temporary change to the Atlantic sea scallop fishery AM implementation policy for the GB yellowtail flounder stock
- The GAP requests that the Committee recommends that the Whiting Committee report on current levels of haddock bycatch in the whiting fishery including any time/area information with the intent of developing gear and/or fishing area modifications if the haddock bycatch is significant.
- The GAP recommends to the Committee removing from the list of 2019 priorities for consideration: to examine the issue of leased fish and possible changes to management system. Additionally, the GAP recommends to the Committee that the catch share review includes some discussion on if the leasing program is meeting the objectives of the FMP.
- The GAP recommends to the Committee that: at the top of the priorities list across all fisheries should be to create permit separability, and to move “specify allocation review triggers” to a low priority for groundfish for 2019.
- The GAP does not believe the fleet can afford any additional costs of monitoring at this time. The GAP recommends that the Committee meet the recommendation of the Council Program Review Peer Review Panel that the Council “increase its ability to meet National Standard 8....and minimization of economic impacts....” when determining monitoring levels/costs for groundfish sectors and common pool.

OTHER BUSINESS:

One advisor wanted to add to Other Business a discussion of the 2015 groundfish fishery performance report which was released by the Science Center the day before this meeting.

AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 58

PRESENTATION: FW58, DR. COURNANE

Staff provided a brief overview of Framework Adjustment 58 (FW58), which includes the following measures: specifications for FY2019 for US/Canada stocks (Georges Bank (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 a temporary change to the scallop fishery AM policy for GB yellowtail flounder. Staff walked through the draft alternatives to date as drafted by the Groundfish Plan Development Team (PDT) from the GAP and Committee’s recommendations at their last meetings, and explained that the PDT will revise these based off GAP and Committee recommendations today. Staff explained that the PDT needs guidance from the GAP in particular on which of the rebuilding plan options they recommend for further analysis. Staff walked through the different rebuilding plan options and explained the rationale behind each of these for each stock. Staff

also provided an overview of the impacts analysis on the draft alternatives available to date, which includes analysis for biological impacts, protected resources impacts, and partial social and economic impacts. Staff explained that the PDT will continue to develop impacts analysis for all sections and will provide those for the December Council meeting. Additionally, staff explained that Chad Demarest (NEFSC) would be presenting the initial results for the Quota Change Model (discussed in economic impacts analysis) at the Committee meeting today. Staff also explained that this year the GAP and Committee are only meeting once before final action instead of twice as is typically done, due to scheduling difficulties, and said that it is not anticipated this would impede recommendation of preferred alternatives in time for the December Council meeting. The goals of the GAP's discussion were to provide guidance on development of the draft alternatives and draft impacts analysis and possibly make recommendations to the Committee on the draft alternatives.

Questions and Comments on the Presentation:

One advisor asked why the amounts assigned for state waters and other sub-components for GB haddock are the same, and asked what other fisheries make up the other sub-component. Staff explained that these were set in FW56 and are currently set at 1 percent each which is usually the lowest percentage, although they could be set at fractions of a percentage, and that these are mostly squid, whiting, and some herring fisheries (all small mesh fisheries) as well as some uncategorized for the other sub-component. The advisor also asked about the 2016 SAFE report for the whiting fishery which had reported 2.6 million pounds of haddock bycatch and whether this catch is missing from GARFO catch accounting, as it seemed to be a very different number. Staff said they will look into this and will check to see how these numbers were calculated as the two may have used different methodologies. Another advisor asked for a follow-up on the high GOM cod research catch. Ms. Keiley explained that this research catch is included in the GARFO catch accounting in the other sub-component category. Staff also explained that the PDT had adjusted the GOM cod sub-component using the recent three-year average, but assumed that the high research catch will not continue.

One advisor asked whether the Scientific and Statistical Committee (SSC) has weighed in on the rebuilding plan options. Staff explained that the SSC did at its August meeting, and that the feedback was that the SSC 1) prefers to focus on an F rate (fishing mortality) rather than a defined number of years for rebuilding and 2) prefers using 10 years (defined time) versus undefined, although the SSC was divided on this as some SSC members felt it's better to have defined timelines for rebuilding but others felt that undefined timelines should be used for some stocks if a case can be made for them. Staff also clarified that the PDT won't have the opportunity to bring the rebuilding plan options back to the SSC, but that the PDT used the SSC's guidance when developing these options.

The advisor asked how progress towards rebuilding for witch flounder can be measured, given that there are no reference points for this stock. Staff acknowledged this is challenging to do for stocks without reference points, but that the PDT would apply the current exploitation rate of 7 percent¹ and adjust if progress towards rebuilding is not made. Mr. Grant explained that the requirement for revising the witch flounder rebuilding plan goes back to the 2015 operational assessment, and said this is explained in the letter on rebuilding plans sent from GARFO to the Council in 2017, which includes an explanation that while the assessment is unable to estimate biomass there is other information available that indicates the stock is in poor condition, such as age structure truncation, low swept area biomass, and low recruitment. Another advisor said he thinks the overfished status of witch flounder is qualitative and asked when GARFO would move this to an unknown status. Mr. Grant explained that this depends on how old the

¹ The PDT later discovered an error in the draft options presented to the GAP and Groundfish Committee on November 8, 2018. The current exploitation rate for witch flounder is 6 percent (rather than 7 percent). The draft alternatives were updated accordingly to reflect the correct rate and range of options under consideration.

additional information available is, and that once no new data is available then a case can be made for unknown status determination. Mr. Grant also clarified that the long generation time for witch flounder can be used as rationale for a longer rebuilding timeline. The advisor asked whether there is an option to not include witch flounder in FW58 for rebuilding plans given the challenge in measuring rebuilding progress. Mr. Grant explained that the Council was notified that it has two years from the date the rebuilding plan letter was received to enact a plan, said that the Council can opt to not create a revised rebuilding plan, but since it is a requirement then this would require Secretarial action to enact.

One advisor asked whether there was a consideration of rho adjustments in assessments and the rebuilding timelines. Staff explained this is captured in the rationale by stating that longer timelines may be preferred since assessment projections are optimistic. Mr. Grant pointed out that the 2016 assessment for winter flounder made a rho adjustment to the last year of assessment, and that in the letter from GARFO to the Council about revising the GB winter flounder rebuilding plan there is a table that outlines which assessments had a rho adjustment as well as the status determinations for each assessment. The advisor also wondered if there is an explanation for the large drop in stock abundance between assessments for GB winter flounder, and whether this is due to the survey missing stations. Staff also clarified that while National Standard (NS) 1 allows the Council to discontinue a rebuilding plan if stock status improves, in its response letter GARFO doesn't advise this due to other indicators that suggest the GB winter flounder stock is still in poor condition, but that nothing prevents the Council from discontinuing the rebuilding plan. Mr. Grant added that a rebuilding plan could still be required at a later date should the next assessment for GB winter flounder determine the stock to be in worse shape.

Motion #1: Raymond/Russo

The Groundfish Advisory Panel recommends that the Committee adopt the following rebuilding options as preferred (see Groundfish PDT memo, dated November 7, 2018):

- Georges Bank winter flounder – Sub-Option B2 ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} = 10$ years)
- Southern New England/Mid-Atlantic yellowtail flounder – Sub-Option B2 ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} = 10$ years)
- Witch flounder – Sub-Option B ($F_{\text{rebuild}} = 6.5\%$ exploitation rate and $T_{\text{target}} =$ undefined)
- Northern windowpane – Sub-Option B ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} =$ undefined)
- Ocean pout – Sub-Option B ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} =$ undefined)

Motion #1a: Goethel/Soule

Motion to amend the main motion

- Witch flounder– Sub-Option B ($F_{\text{rebuild}} = 7\%$ exploitation rate and $T_{\text{target}} =$ undefined)

*Motion #1a to amend **carried** on a show of hands (4/3/0).*

Motion #1b as the main motion amended:

The Groundfish Advisory Panel recommends that the Committee adopt the following rebuilding options as preferred (see Groundfish PDT memo, dated November 7, 2018):

- Georges Bank winter flounder – Sub-Option B2 ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} = 10$ years)
- Southern New England/Mid-Atlantic yellowtail flounder – Sub-Option B2 ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} = 10$ years)
- Witch flounder– Sub-Option B ($F_{\text{rebuild}} = 7\%$ exploitation rate and $T_{\text{target}} =$ undefined)
- Northern windowpane – Sub-Option B ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} =$ undefined)
- Ocean pout – Sub-Option B ($F_{\text{rebuild}} = 70\% F_{\text{MSY}}$ and $T_{\text{target}} =$ undefined)

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

Motion #2: Raymond/Soule

The Groundfish Advisory Panel requests that the Groundfish Committee recommends that the Whiting Committee report on current levels of haddock bycatch in the whiting fishery including any time/area information with the intent of developing gear and/or fishing area modifications if the haddock bycatch is significant.

Rationale: The bycatch of haddock is significant and must be addressed. The 2016 whiting SAFE report documents 2.6 million pounds of haddock bycatch. Options to

Discussion on the Motion: One advisor said he thinks the difference in estimates could be due to differences in how whiting trips are characterized between the two methodologies. Staff said they are not sure if this was calculated or stratified differently and will have to look into it further.

Motion #2 carried on a show of hands (6/0/1).

Motion #3: Raymond/Russo

The Groundfish Advisory Panel recommends to the Committee to select as preferred:

- In Section 4.1.2 Annual Catch Limits: 4.1.2.2, Option 2: Revised Annual Catch Limit Specifications
- In Section 4.2.1 Minimum Fish Size Exemptions for Vessels Fishing in the NAFO Regulatory Area, Option 2 Exempt vessels fishing in the NAFO Regulatory Area from Northeast Multispecies Fishery Management Plan (FMP) commercial minimum fish sizes, and
- In Section 4.3.1 Atlantic Sea Scallop AM Implementation Policy, Option 2 Temporary change to the Atlantic sea scallop fishery AM implementation policy for the GB yellowtail flounder stock

Motion #3 carried on a show of hands (7/0/0).

Discussion:

One advisor said that staff should consider the 2015 groundfish performance report in the impacts analysis for FW58, especially given the major change in number of boats and reduction of the fleet. Staff explained that part of the report was incorporated in the FW57 Affected Environment section, and that perhaps more information can be incorporated in FW58. Staff also clarified that the performance report was presented to the Council in January, but the document is just now available. Another advisor asked if the PDT looked at a range for windowpane flounder sub-components. Staff explained they did not this year as the PDT did an abbreviated sub-components analysis and windowpane flounder was not flagged as a stock of concern.

AGENDA ITEM #2: POSSIBLE 2019 COUNCIL PRIORITIES

PRESENTATION: 2019 COUNCIL PRIORITIES, DR. COURNANE

Staff provided an overview of upcoming groundfish items, including an update on the Fishery Data for Stock Assessment Working Group. Staff explained that there will be an SSC sub-panel peer review of the Working Group report Nov. 30th in Providence, that the draft report will be available soon, and that there will be a brief presentation at the December Council meeting with a full presentation of the report and SSC review at the January Council meeting. Staff also explained that the GAP and Committee will have an opportunity to weigh in on the Working Group recommendations.

Staff also provided an overview of upcoming items related to Amendment 23 (A23), including a planned SSC peer review of PDT analyses for A23, which is anticipated to be scheduled for sometime in mid-January. Staff explained the reason for the peer review is that the PDT feels these are novel analyses that need outside review. Additionally, staff provided an update on planning for a joint PDT/GAP/Committee meeting on A23, and explained that the proposed plan is for a two-day meeting with the following structure: on the first day the PDT would present analyses and there would be an opportunity for questions, and the PDT would also present a strawman for how to address the problems and uncertainties with monitoring in the groundfish fishery, and on the second day the GAP and Committee would deliberate and make recommendations on the PDT's proposal. Staff explained this would likely occur after the January Council meeting and so the Council would likely be approving the range of alternatives for A23 in April.

Staff then presented the list of 2018 Council priorities as well as the initial list of 2019 priorities for the Council that the GAP had recommended at its last meeting, which include examining leasing issues and US/CA trading. Staff also provided an overview of the Recreational Advisory Panel (RAP) priorities and explained that the RAP provided these as a ranked list. Staff clarified that the Committee had not yet discussed priorities as it ran out of time at the last meeting but will take up the GAP and RAP recommended priorities at its meeting today. The goals of the GAP's discussion were to possibly make recommendations to the Committee on the 2019 Council priorities.

Questions and Comments on the Presentation:

One advisor asked whether the leasing issues would be discussed at the planned two-day meeting. Staff explained that they would not since that meeting is for a focus on PDT A23 analyses and establishing monitoring standards.

Discussion:

The GAP discussed issues with leased fish and different perceptions on the leasing market. One advisor said it seems like leasing prices have come down (except for cod) and that this seems like a positive in light of accountability work. Many advisors agreed that cod lease prices have been high and may change daily, but some noted declines in flatfish lease prices. Some advisors felt these declines are due to the high lease price of cod which prevents many vessels from landing flatfish. One advisor asked for clarification on what the recommendation to examine leasing issues means, and whether this is asking for the government to control prices for cod, as she does not agree with this. Another advisor explained that this is meant to be a holistic look at how to address leasing issues, as he doesn't think the quota leasing market is working, and said this could mean not allowing people to hold onto quota, or potentially include price control. Another advisor said the GAP should understand that the system is working as intended, since the stocks that have the highest prices are those in the most duress, and that they could consider price controls but also thinks that sectors can explore options for how to help fishermen with high lease prices.

One advisor brought up another issue for the groundfish fishery which is that smaller boats are running into issues with trying to upgrade boats, and asked why there are still baseline vessel restrictions given the move to a quota limited fishery. Mr. Grant explained that since the sector system is voluntary and there is still segment of the fishery under effort controls, these vessel restrictions are still in place. He further explained that each FMP can change the requirements for vessel upgrade provisions, but that perhaps an omnibus amendment to standardized requirements across fisheries would be more appropriate since most vessels have more than one limited access permit, although he noted there isn't anything preventing an FMP from changing their baseline requirement and that this is a question of how the Council would like to handle this issue. Staff asked whether this one of the regulations the Council and NMFS looked at for regulatory reform this year, and Mr. Grant said there was a subset of this item included. Mr. Grant also clarified that the baseline vessel restrictions include horsepower and length requirements and no longer tonnage. One advisor brought up another limitation for fishermen which is separability of different open access permits, and explained that this makes access difficult and drives the costs of access up and thinks that this is more important than length/horsepower requirements for survivability of the fleet. He said this issue has come up a lot and expressed frustration this it is always deemed too difficult an issue to work on and is pushed aside. Another advisor agreed and said that addressing permit separability would allow length/horsepower requirement changes more easily.

The Chair advised the GAP to rank priorities, as this helps the Council in considering the recommended priorities. One advisor asked for clarification on the allocation review between commercial and recreational fisheries that is included on the Council priorities list. Staff explained that this is led by the Council Executive Committee and Executive Director and is a policy development that is more of an overarching discussion across fisheries, although noting that the groundfish FMP does have a few policies on when to allocate to new sub-ACLs. The advisor said he doesn't think this should be a priority as it opens up too many potential problems. The Chair clarified that this is a national priority and so it can't be removed from the priorities list, but the GAP could recommend moving it to the lower end of this list. The advisor also said he wasn't sure scoping for limited access in the party/charter fishery is needed since the fleet is shrinking, although he recognizes that the fleet could grow in the future. Staff explained that this priority is about information gathering to see whether limited access in the party/charter fleet is something that should be pursued and that this does not necessarily mean there would be an amendment for this item. Staff also explained that the RAP ranked its priorities and put this item last, and ranked access to cod through an allocation review as the highest priority followed by interest in forming a Recreational Committee. Mr. Stockwell added that the RAP had extensive discussion on the topic of

limited access for the party/charter fleet with lots of different opinions, but that overall the RAP did think listening sessions are a good idea to see if this item needs to be pursued.

Staff provided an overview of the master list of initial Council 2019 priorities and highlighted a few additional priorities pertaining to the groundfish FMP, including an SSC recommendation to revisit the groundfish control rule for when analytical models fail.

Motion #4: Raymond/Soule

The Groundfish Advisory Panel recommends to the Groundfish Committee removing from the list of 2019 priorities for consideration: to examine the issue of leased fish and possible changes to management system.

Discussion on the Motion: The maker of the motion explained that she doesn't think the government should be involved in this issue and that there are other places to examine and help with this, such as state permit banks. One advisor asked whether the sector program review this year will include examination of leasing issues. Staff that while not certain it is likely the review will consider this. Another advisor said that while he understands the concerns, he also doesn't think this is the solution to address leasing issues, as he thinks the real problems are with the quotas coming from the Center assessment recommendations, and said he thinks there needs to be more fishermen input so that the assessments line up with reality.

Motion #4 carried on a show of hands (5/2/0).

Motion #5: Raymond/Parker

The Groundfish Advisory Panel recommends to the Groundfish Committee that the catch share review includes some discussion on if the leasing program is meeting the objectives of the FMP.

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

Motion #6: Parker/Raymond

The Groundfish Advisory Panel recommends to the Groundfish Committee that: at the top of the priorities list across all fisheries should be to create permit separability.

Discussion on the Motion: Ms. Heil said this was on the Council's list for regulatory reform but the Council removed it, and that they may want to have the Executive Director revisit this and clarify why it was removed. The GAP discussed how this may impact all fisheries but as the Groundfish AP it might be difficult to prescribe to other APs on this item.

Motion #6 carried on a show of hands (7/0/0).

Motion #7: Goethel/Soule

To move “specify allocation review triggers” to a low priority for groundfish for 2019.

Motion #7 carried on a show of hands (4/0/2) (one out of the room).

AGENDA ITEM #3: OTHER BUSINESS

One advisor had wanted to bring attention to 2015 groundfish performance report, as he feels there is information in it that points to a real problem in the fishery. This was discussed under the FW58 discussion.

Motion #8: Raymond/Goethel

The Groundfish Advisory Panel does not believe the fleet can afford any additional costs of monitoring at this time. The GAP recommends that the Committee meet the recommendation of the Council Program Review Peer Review Panel that the Council “increase its ability to meet National Standard 8....and minimization of economic impacts....” when determining monitoring levels/costs for groundfish sectors and common pool.

Discussion on the Motion: The maker of the motion explained that the Council Program Review had recommended that the Council consider in its actions the National Standards, including NS 8 on reducing economic impacts. One advisor said he thinks that monitoring benefits involve an investment now in order to have gains later. The maker of the motion said she understands the position of investing in monitoring today but said the fishery hasn’t seen any benefit from this, and that the industry can’t afford 100% or any of the higher levels of monitoring being analyzed. There was discussion about the challenges of balancing the graying/maturing of the fleet and how many older fishermen may not want to invest in additional monitoring now to see the fish to come back years from now, with the recognition that accountability is needed, and that perhaps there should be a recommendation for subsidizing monitoring costs. The maker of the motion clarified that this is not anti-accountability, but rather recognizes that the Council Program review recommended that the Council consider more NS 8 economic impacts in its actions. The GAP discussed that they could clarify this intent by adding that the GAP doesn’t think the fleet can incur any additional costs to operation at this time.

Motion #8 carried on a show of hands (7/0/0).

The Groundfish Advisory Panel meeting adjourned at approximately 11:30 a.m.