New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Groundfish Oversight Committee
Hilton Garden Inn, Boston, MA
April 7, 2016

The Groundfish Committee (Committee) met on April 7, 2016 in Boston, Massachusetts to: 1) receive an update from the Plan Development Team (PDT) on analysis of the groundfish monitoring program; 2) discuss the draft Council staff white paper on windowpane flounder management alternatives; 3) discuss the draft Council staff white paper on the recreational management measures process; and 4) discuss other business, as necessary.

MEETING ATTENDANCE: Frank Blount (Chairman), Mr. Terry Alexander (Vice Chair), Ms. Ellen Goethel, Mr. Peter Kendall, Ms. Libby Etrie, Mr. John Pappalardo, Mr. Vincent Balzano, Ms. Melanie Griffin, Dr. Matt Mackenzie, Mr. Howard King (MAFMC), Ms. Sarah Heil (GARFO), Mr. Terry Stockwell (Council Chair); Dr. Jamie Cournane, Mr. Jonathon Peros, Ms. Maria Jacob (NEFMC staff); Mr. Mitch MacDonald (NOAA General Counsel). In addition, approximately 10 members of the public attended, including several members of the Groundfish Advisory Panel.

***SUPPORTING DOCUMENTATION*:** Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated April 4, 2016; (2) Meeting agenda; (3a) Draft PDT memo the Groundfish Committee re groundfish monitoring program, version 1 (April 5, 2016); (3b) Presentation: PDT report on the groundfish monitoring program (to be provided); (4a) Draft windowpane flounder discussion paper, version 1, Council Staff (April 1, 2016); (4b) Presentation: Overview of Council Staff windowpane flounder discussion paper (to be provided); (5a) Draft outline for a Council Staff white paper on the recreational measure process (March 31, 2016); (6) Groundfish Committee meeting summary, January 14, 2016; (7) Enforcement Priorities for Northeast Division, 2012-2017, NOAA OLE; (8) Correspondence.

KEY OUTCOMES:

- The Committee tasked the PDT with developing a white paper to explore monitoring strategies that would contribute to accuracy and precision of groundfish catch monitoring.
- The Committee tasked the PDT with developing approaches for allocating northern windowpane flounder in the scallop fishery and groundfish sectors.

The meeting began at 9:10 am.

Mr. Blount explained that the Groundfish Advisory Panel (GAP) Chair had stepped down, and that he would be reaching out to individuals as part of the process of selecting new chair.

UPDATE ON GROUNDFISH MANAGEMENT ACTIONS

Ms. Heil provided an update on the status of groundfish management actions. She informed the Committee that the comment period for recreational rule and Framework 55 had ended. In the event of a delay in implementation, default catch limits specified in FW53 would be in place for May 1, 2016.

Groundfish Monitoring Program (Dr. Jamie Cournane)

Council staff provided an overview of groundfish monitoring measures that the PDT discussed during the development of FW55, and explained the potential coverage rates for FY2016 (based on FW55 measures). Next, staff reviewed outcomes from the January 2016 Council meeting, which included a problem statement and PDT tasking related to monitoring. Staff explained that the PDT had discussed the Council motion, the current monitoring system, and other approaches at a PDT meeting on March 30, 2016. The PDT focused on both precision and accuracy of discard estimates, and potential ways to monitor discards and landings.

Questions and Discussion on the Presentation:

Council staff clarified that data collected by at-sea monitors (ASM) is used in stock assessments.
Input on the dockside monitoring (DSM) program from the Committee and audience members was mixed – some felt that DSM did not improve catch accounting, while others felt that the program (as implemented) could have been more effective if it had mirrored industry's input provided through a strawman submitted to NMFS. With respect to groundfish monitoring programs, members of the Committee suggested that that the PDT should focus on identifying redundancies in the existing monitoring system. A Committee member stressed that affordability needs to be considered when considering any modifications to the existing program. Several Committee members felt that accuracy is a critical components of catch monitoring. Another Committee member suggested that enforcement is an important aspect of a cost-effective monitoring program. Staff explained that the PDT had not discussed enforcement and its role in the existing monitoring program. The Committee agreed that the program should be reviewed holistically, and discussed timing and potential vehicles for an action. A member of the Committee expressed interest in learning more about data reconciliation processes between sectors and NMFS, and harvesters and dealers.
Another Committee member explained that NMFS has created a sector comparison report manual that could be useful resource for managers.

Motion #1: Goethel/Etrie

Task the PDT to:

1. Provide an analysis on how much variance would occur under alternate CVs using examples. For example, on a catch of 3 million lbs of species "X" with a CV of 30 what is the variance in the discard rate. Changing the CV up and down provide the variance in lbs so that we can understand how changes in the CV will affect our management strategy.

2. Provide a comparison of the differences in discard rates by gear type when the discard rate is calculated with only NEFOP data using the most recent fishing year for which the entire data set is available and the discard rate using NEFOP and ASM.

Rationale: These analyses would be helpful for managers and the public when understanding the benefits and risks of changing the CV standard. Regarding Task #1, we would like stock specific examples of how changing the CV standard may impact catch monitoring for sectors. Illustrate with examples of how altering the CV standard (i.e., increasing or decreasing it) for discard precision could affect catch monitoring for sectors. Include in the examples the distribution in pounds of discards. We request this

analysis to understand how changes in the CV standard will affect our management strategy. The intent of the motion is to see the actual numbers using different CV values and a couple of different species as examples (as simple as possible with species and numbers, no graphs or complicated permutations necessary). Regarding Task #2, provide a comparison of the differences in stock-level discard estimates and CVs when the estimates are calculated with NEFOP data only versus using NEFOP and ASM. Also, include a comparison of these differences by gear type and mesh size (where available). Use data from the most recent fishing year for which the entire data set is available.

Motion #1 carried on a show of hands (10/0/0).

Continued Discussion:
A member of the Committee felt that compliance should be the focus of the monitoring program, and that ensuring compliance with regulations is an essential part of rebuilding groundfish fisheries. Multiple Committee members felt that discard information should be reviewed in detail. Members of the Committee and staff both noted that compliance had been looked at during the development of FW48, and agreed that updating some of that work would be useful.

Motion #2: T. Alexander/McKenzie

> Task the PDT to develop an analysis of a 100% requirement for a dockside monitoring for sector and common pool trips while unloading groundfish anywhere groundfish are unloaded. Including the possibility that the cost of this program would be the responsibility of the buyer.

Rationale: This analysis should examine sector and common pool trips. Lessons learned from the DSM program in 2010 could be used in the analysis of how to improve upon the previous DSM model. It was suggested that DSM in California and Canadian fisheries be examined. The analysis should consider the impact on small vessels and remote ports, as these may be at a disadvantage. DSM would reduce the incentive for a black market for fish (fish offered at reduced rate), and therefore should increase prices for vessel and dealers.

Discussion on the Motion:
Several members of the Committee suggested that DSM may be part of the overall monitoring program. Speaking against the motion, a Committee member felt that DSM disadvantages small vessels operating in remote ports and did not generate useful data. Another Committee member felt that the motion was too narrow in scope. A motion to substitute was offered:

Motion #2a to substitute **Motion #2**: Griffin/Pappalardo

> Move to substitute that the Committee task staff and/or PDT, as appropriate, to develop a draft white paper and report to the Council at the June meeting on monitoring strategies (ASM, shoreside, electronic, etc.) that would primarily contribute to accuracy and secondarily precision of groundfish catch reporting. The white paper should include a review of existing shoreside monitoring programs as well as past Council decisions on dockside monitoring with respect to achieving accuracy and precision in reporting of groundfish bycatch and landings as well as funding sources for the programs.

Rationale: The Committee would like to examine ways to improve the monitoring system altogether, rather than only focusing on refining a DSM program from the past.

Discussion on the Motion:
The Committee discussed the motion's specificity to complete analysis by the June meeting. Staff underscored that a final product would likely not be ready in June given other tasking, and there was

general agreement that the PDT would bring a draft/work-in-progress to the Committee and Council in June. Speaking in favor of the motion to substitute, several members felt that the breadth of the tasking was more appropriate than focusing solely on DSM. Speaking to DSM, a member of the public stated that their sector's experience with DSM was not consistent with opinions expressed by Committee members, and felt that there were ways to craft an effective DSM program going forward. Another member of the public agreed that DSM could work, and felt that implementation of a 100% DSM program that the industry had input in designing could work. Another member of the public felt that the analysis should include consideration of differential impacts to remote ports and small vessels.

Motion #2a to substitute Motion 2 carried on a show of hands (10/0/0).

Motion #2a as the main motion

> Move that the Committee task staff and/or PDT, as appropriate, to develop a draft white paper and report to the Council at the June meeting on monitoring strategies (ASM, shoreside, electronic, etc.) that would primarily contribute to accuracy and secondarily precision of groundfish catch reporting. The white paper should include a review of existing shoreside monitoring programs as well as past Council decisions on dockside monitoring with respect to achieving accuracy and precision in reporting of groundfish bycatch and landings as well as funding sources for the programs.

Motion #2a as the main motion carried on a show of hands (10/0/0).

Motion #3: Griffin/Goethel

> Move to request that the Council ask NMFS to provide information on the level of compliance with groundfish catch reporting (harvester and dealer) to date, initial feedback by the June Council meeting with full feedback at a later Council meeting.

Rationale: We request baseline information on compliance relative to harvester and dealer reporting. Successful groundfish catch reporting is not just dependent on suitable monitoring, but on the performance of the current harvester/dealer verification system (e.g., suitable reconciliation between VTRs and SAFIS reports achieved) as well as adequate enforcement of and compliance with reporting requirements. It is important for the Council to have information on each aspect of the overall process to best inform where and how accuracy and precision in groundfish catch reporting can be achieved. The Council and NMFS need to have an initial conversation on what information can be provided to then be developed in further detail to best inform the overall discussion.

Discussion on the Motion:
The Committee discussed the importance of accurate catch accounting by harvesters *and* dealers, as well as the timing of this request (June). A member of the public felt that aligning catch limits with available biomass of groundfish stocks could go a long way to improve compliance and the cost of monitoring. They expressed concern that science does not match what fishermen are observing on the water. Another member of the public felt that if there are ongoing non-compliance issues, they should be dealt with by the agency.

Motion #3 carried on a show of hands (9/0/1).

Continued Discussion on Monitoring and Enforcement:

A member of the Committee heard that bottom trawl vessels were being targeted more frequently for boarding, compared to other gear types, and asked that this issue be investigated further.

Recreational Management Measures Process (Dr. Jamie Cournane):

Council staff presented an outline of a Council staff white paper discussing the recreational management measures process (see information in document #5a). Staff explained that the paper will focus on the existing recreational management measures process and areas for improvement. Staff noted existing issues with the timing of recreational measures, including reciprocal measures with states and the ability of party/charter vessels to market and sell trips. The RAP will likely meet at some point over the summer to discuss a draft version of the white paper and provide feedback.

Discussion on the Presentation:

It was clarified that this work will be developed as a staff white paper, and the additional input from the full PDT will be guided by Committee recommendations. The Committee discussed the scope of the white paper, with one Committee member suggesting that the white paper should be narrower in scope and focus on ways to improve the timing of process.

Other Business:

Pre-Trip Notification System (PTNS)

The Committee discussed a glitch in the pre-trip notification system that had resulted in some vessels being selected to carry an observer for 100% of their trips. NMFS staff explained the PTNS system was not designed for in-season changes, and that the issue was being looked into. A Committee member asked whether or not sectors could develop their own vessel selection methods for ASM trip – NMFS indicated that there is nothing precluding sectors from doing so for ASM, but that NEFOP coverage would likely remain under PTNS.

Electronic Monitoring

Mr. Geoff Smith and Mr. Chris McGuire of The Nature Conservancy (TNC) provided an overview of an electronic monitoring (EM) project that they have been working on in partnership with the Maine Coast Community Sector, the Gulf of Maine Research Institute, and EcoTrust Canada. The EM pilot project has tested an audit approach in which cameras are on 100% of the time, and a percentage of the footage is reviewed and compared with self-reported harvester information. TNC staff went on to explain that they have submitted an experimental fishing permit (EFP) application to NMFS to deploy EM systems in the groundfish fishery for FY 2016. The EFP would allow 15-20 vessels to use EM systems in lieu of an ASM when selected for an ASM through PTNS. TNC staff explained that 100% of the footage of that trip would be reviewed. Responding to questions about the cost of EM, Mr. Smith explained that cost is related to the amount of video that is reviewed, the amount of catch on a given trip, the length of a trip, among other considerations. TNC staff responded to questions about verifying catch, explaining that third party providers will review footage from the trip, and made estimates using length/weight conversions provided by the agency. This review will then be audited by NMFS – an audit of the auditor, essentially– to confirm that the estimates generated by the third party provider are consistent with estimates provided by NMFS. There was interest from the Committee in understanding whether EM costs vary by gear type. Trawl, gillnet, longline, and hand line/jig vessels have committed to participating in the EM study and would be covered under the EFP.

R/V Bigelow

A member of the public asked for an update on the status of the spring survey. NMFS staff explained that the Bigelow was expected to being the spring survey the week of April 4, 2016, which is four weeks behind schedule.

Windowpane Flounder Management Alternatives (Mr. Jonathon Peros)

Council staff presented a windowpane flounder discussion paper (document #4a), which focuses on the management of northern (GOM/GB) and southern (SNE/MA) windowpane flounder. Staff explained that the several groundfish actions since 2010 have included windowpane measures, and noted that windowpane flounder issues had been identified as groundfish priorities in 2015 and 2016. Staff reviewed background information on the management of both windowpane flounder stocks, as well as a draft problem statement, draft objections, and potential approaches going forward. Overages of windowpane ACLs trigger accountability measures, which restrict the gear that trawl vessels may use in certain areas. The discussion paper notes that overages impact a range of fleets and fisheries, including groundfish, scallops, and large mesh Mid-Atlantic fisheries like scup and fluke. As windowpane is caught across a range of fisheries, potential objectives and approaches may be to create accountability and parity across and within fisheries catching windowpane flounder.

Questions and Discussion on the Presentation

The Committee discussed recent catch of windowpane and corresponding Accountability Measures (AMs). Ms. Heil explained that based on reliable data, windowpane AMs would not be triggered for any fishery in FY2016. She noted that this may change after estimates of catch in other fisheries in finalized. In response to a question about windowpane discard estimates used in the 2015 stock assessment, staff clarified that discards are hindcast for fleets that have low or no observer coverage early in the time series. A member of the public felt that this approach was problematic. The Committee discussed some of the economic impacts that were analyzed in FW52, an action focused solely on windowpane flounder measures. Multiple members of the public told the Committee that windowpane AMs (Gear Restricted Areas, GRAs) have had a major impact on the ability of vessels to harvest flatfish, particularly on Georges Bank. Several members of the public expressed concern about the stock assessment for windowpane. The Committee also heard interest in exploring windowpane catch at the sector level. One Committee member felt that the focus of PDT work should be on at-sea monitoring, and suggested that these issues should be explored further at a later date. Following this comment, the Committee circled back to the recent windowpane catch attributed to the scallop fishery. One Committee member felt that the groundfish fishery should not be the only fleet accountable for an ACL overage of northern windowpane.

Motion #4: Goethel/Etrie

> To task the PDT with evaluating the performance of the existing windowpane flounder accountability measures on the stocks and the fisheries impacted.

Rationale: This purpose is to examine the performance of the AMs relative to the impacts on the stocks, the groundfish fishery, and other fisheries. More specifically, the request would focus the analysis on the social and economic impacts of the windowpane flounder GRAs.

Motion #4 failed on a show of hands (1/5/3).

Motion #5: Etrie/T. Alexander

> To task the PDT with developing approaches to allocating northern windowpane flounder to sectors using other allocated groundfish stocks as proxies.

Rationale: The focus should be on northern windowpane flounder because of the recent impacts of the groundfish fishery. Accountability should be at the sector level. Because the stock is a discard stock, other targeted stocks (e.g., winter flounder) could be used as proxies when determining the allocation.

Discussion on the Motion: Staff explained that the PDT would first use analysis available in the discussion paper, then expand on approaches to address the matter. Responding to a public comment about AMs, Ms. Heil explained that even if windowpane was allocated to the groundfish fishery (sectors, common pool), the fishery would still be accountable for any overages above the ACL, even if that catch was attributed to other fisheries.

Motion #5 carried on a show of hands (8/0/1).

Motion #6: Etrie/Pappalardo

To task the PDT with developing approaches to establish sub-ACLs for northern windowpane flounder for other fisheries such as scallops.

Rationale: The focus should be on northern windowpane flounder because of the recent economic and social impacts of the northern windowpane flounder GRAs on the groundfish fishery. The scallop fishery is the only other major component of the catch of the stock. The scallop fishery does not have a sub-ACL and associated AMs for northern windowpane flounder overages. Approaches moved to "considered but rejected" in FW 53 could be used as a starting point to develop the sub-ACL. The approach outlined in FW 53 was based on the scallop sub-ACL for southern windowpane flounder. In addition, how scallop sub-ACLs were developed for SNE/MA and GB yellowtail could be examined.

Discussion on the Motion: The members of the public and committee raised the idea of have a joint scallop AP and groundfish AP meeting to discuss this concept.

Motion #6 carried on show of hands (8/0/1).