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

Hilton Garden Inn, Boston, MA
April 1, 2019

The Groundfish Advisory Panel (GAP) met on April 1, 2019 in Boston, MA to discuss and make recommendations on: 1) the draft alternatives for Amendment 23/Groundfish Monitoring; 2) the gear standards policy; 3) priorities for 2019; and 4) other business as necessary.

MEETING ATTENDANCE: Ben Martens (Chairman), Jackie Odell (Vice Chair), Bonnie Brady, David Goethel, Bert Jongerden, Maggie Raymond, Geoff Smith, 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 Liz Sullivan (GARFO), Terry Alexander, Libby Etrie, Melanie Griffin, Meredith Mendelson (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 March 26, 2019; (2) Presentation: Council staff; (3a) Amendment 23/Groundfish Monitoring - Memo from Committee Chair to PDT re A23; (3b) Memo from PDT to Committee re updated A23 draft alternatives); (4) Gear Standards Policy – background documents: current policy and past correspondence; (5a) Groundfish Plan Development Team meeting summary, Feb. 13, 2019; (5b) Groundfish Plan Development Team meeting summary, Mar. 19, 2019; and (6) Correspondence.

The meeting began at approximately 9:05 a.m.

KEY OUTCOMES:

- The GAP recommends to the Groundfish Committee (Committee) that in Section 4.1.1.2 (Knowing the Total Monitoring Coverage Level at a Time Certain) under Section 4.1.1.2.2/Option 2 (Administrative Measure for Knowing Total Monitoring Coverage Level at a Time Certain) recommend the time certain as three weeks prior to the annual sector enrollment deadline by NMFS.
- The GAP recommends to the Committee that in Section 4.1.1.3 (Funding for the Groundfish Monitoring Program) to move Section 4.1.1.3/Option 2 (NMFS-Funded At-Sea Monitoring Option) to considered but rejected.
- The GAP does not support in Section 4.2.1 (Groundfish Sector and Common Pool Monitoring Program Revisions), Section 4.2.1.1.2/Option 2 (Dockside Monitoring Program) – which would be a mandatory program for groundfish sectors and the common pool.

- The GAP recommends to the Committee that in Section 4.2.1 (Groundfish Sector and Common Pool Monitoring Program Revisions) to revise Section 4.2.1.1.12/Option 2 (Dockside Monitoring Program) to only include 100 percent coverage of all trips.
- The GAP recommends that Northeast Fisheries Observer Program (NEFOP) coverage would continue to be combined with at-sea monitoring (ASM) coverage to fulfill the total monitoring coverage rate.
- The GAP recommends to the Committee to develop an option that would use the NEFOP-level (Standardized Bycatch Reporting Methodology (SBRM)) of at-sea coverage to determine the discard rates.
- The GAP supports a fixed approach to determining a coverage level for the sector program rather than the No Action (a variable rate determined using the coefficient of variance (CV) standard while meeting certain criteria).
- The GAP recommends to the Committee that the sector monitoring standards should be applied at the vessel level for analysis.
- The GAP requests the Committee task the Groundfish Plan Development Team (PDT) to investigate the possibility of decoupling the ASM program from the NEFOP program, to allow sector managers and monitoring providers to work toward more balanced coverage within each sector (rather than using the Pre-Trip Notification System, PTNS, for ASM).
- The GAP recommends to the Committee that the range of alternatives for Amendment 23 be considered following the completion and full discussion of the Plan Development Team analyses, related to the "problem" (and magnitude of the problem) concerning "accuracy" of catch (landings and discards).
- The GAP recommends that the Groundfish Committee Chair/Council request the Observer Program meet with the fishing industry in a workshop to minimize issues with observers (safety checks, gear, etc.).
- The GAP requests the Committee/Council ask NMFS that for FY2019 the target coverage level be based on the Council's policy as approved by NMFS in FW55, the result would be based on Georges Bank yellowtail flounder at the 20% target coverage level.

OTHER BUSINESS:

One advisor wanted to add to Other Business a discussion of the recently announced 2019 total monitoring coverage rate for the groundfish fishery.

AGENDA ITEM #1: AMENDMENT 23/GROUNDFISH MONITORING

PRESENTATION: A23, MS. FREDE

Staff provided an overview of progress on Amendment 23 (A23), including an updated timeline and revisions to the draft alternatives. Additionally, staff provided an overview of a PDT memo to the Committee, which summarizes updates to the draft alternatives, provides requests from the PDT on clarifications and questions for the Committee/GAP on development of the alternatives, and outlines additional considerations for developing the draft alternatives. The goal for the GAP was to consider the draft alternatives revised by the PDT and make recommendations to the Committee.

Questions and Comments on the Presentation:

One advisor had a question about the timeline and asked if the Council approves the range of alternatives in April before receiving the report from the review of PDT monitoring analyses, whether this too ambitious before the upcoming planned two-day meeting/discussion for PDT analyses. The Committee Chair referred to the memo from the Committee Chair to the PDT which discusses tasking, scheduling the review of analyses, and discussions on staying the course as best the Council can for 2020 implementation of A23, especially with assessments scheduled in the fall. He explained that the PDT will work through revisions for the Council mailing deadline, and that the Council could recommend all or part of the alternatives. The Committee Chair emphasized that A23 is the Council's number one priority, and they need feedback today from the GAP. An advisor asked how many analyses will be reviewed. Staff explained that the PDT looked at five analyses, and four of these will go to the review and one will be background/data exploration, and that currently three of the four are in revision. Another advisor asked if the Council or Committee has determined what aspects of the current monitoring program are not working, as she is struggling to see how the alternatives relate to the purpose and need of the amendment. Staff responded that the Committee has not discussed fully how the alternatives would address the purpose and need, but noted that the PDT had presented a summary last year of the challenges and issues the groundfish fishery is facing and that the PDT monitoring analyses are trying to summarize issues with the fishery. In response to a question on the timeline, staff clarified that the alternatives can change throughout the entire timeline and that the Council could refine them in June, but this will make having the DEIS ready for June challenging. The Committee Chair added that he views the April Council meeting as presentation on the draft alternatives to date, and then in June the alternatives will be reported back to the Council following the joint Committee/GAP/PDT meeting. One advisor said that while she thought progress could be made today and the GAP could continue to identify problems and make recommendations, that they will need feedback from the joint meeting planned for May. She also expressed concern that the GAP hadn't talked about costs and value of monitoring.

Discussion:

The Chair said the GAP should have a discussion under each section of the alternatives. Staff explained that the PDT had taken discussions from the GAP and Committee to work towards development of the alternatives, and that the PDT needs further guidance and feedback today.

Sector Reporting

The GAP generally agreed that the alternative for granting the Regional Administrator authority to streamline sector reporting requirements should be put forward for development. One advisor asked whether there has been any discussion on how these sector reporting requirements will fit in with the electronic vessel trip report (eVTR) action from the Mid-Atlantic Council. Staff explained that while that action would set reporting requirements for Mid-Atlantic permits, it will affect almost all of the New England permit holders since they also possess a Mid-Atlantic permit, and explained the Council will receive a presentation from Mid-Atlantic Council staff at the April Council meeting before groundfish agenda items. The Committee Chair added that final action has been delayed to September and December for the Mid-Atlantic and New England Council respectively, to allow more time for industry input.

Knowing the Total Monitoring Coverage Level at a Time Certain

One advisor asked what would happen if a date is specified and then NMFS doesn't provide the coverage level information by then. Staff explained that they could set a date in place for using the most recent data or could go to default past years monitoring rate if not met, and that this could be set as a target date. An

advisor suggested April 1 which would give everyone a month to decide whether to drop out of sectors and asked if this seemed reasonable. Another advisor responded that sectors need to have a week or more before the sector enrollment deadline in order to make decisions on which sector to choose based on monitoring rates charged, and also asked if there were any dates that NMFS has ruled out as being not possible. Staff said they have not had explicit guidance from NMFS and suggested that the GAP provide a recommendation for GARFO and then see what feedback NMFS provides. Staff also noted that this year is an anomaly with the federal government shutdown, and so the date the coverage levels will be announced is much later. One advisor asked to clarify that the timing delays are due to CV analysis and filtering steps, and that alternatives for fixed coverage rates would remove these delays. Staff said the PDT recognizes that methods for fixed rates would eliminate these issues.

Funding for Groundfish Monitoring

Several advisors said they needed to see more of an explanation for the value of data collected under 100% monitoring coverage, whether this would come from a pilot program or could be informed by the Fishery Data for Stock Assessment Working Group report. They suggested including a cost analysis, comparison to the value of the fishery, and looking at the number of groundfish sea days multiplied by ASM sea day rate. In response to an advisor's question, it was clarified that this option is worded to include 100 percent coverage or some level above the minimum coverage level selected up to 100 percent. One advisor suggested revising this alternative so NMFS would provide funding at whatever level is determined to be needed to meet goals and objectives of the amendment. Another advisor felt that the stock assessments will not be improved with monitoring and catch accounting, and so there should be an option for discard calculation using NEFOP coverage only. The advisor also said that the goal of the Congressional monitoring funding is to last for as many years as possible and is not to be spent differently. One advisor expressed concern that there will there be enough observers available, given that one of the providers is closing. Another advisor pointed out that part of the issue is the difficulty in business planning with variable coverage rates. One advisor reiterated that she did not feel she could speak on this without having guidance on the value or reason for needing 100 percent monitoring. An advisor thought this alternative should be rejected unless there is more information available. Another advisor pointed out that the DEIS serves the purpose for understanding impacts analysis and will analyze costs and value.

Dockside Monitoring

One advisor said he does not understand why there is a need for dockside monitoring (DSM) and improving accuracy of landings, noting that the major case of landings misreporting was Carlos, and asked whether this is more of a law enforcement issue. He also acknowledged that on the flip side 100% dockside monitoring coverage would cover about 95% of catch so could be an appealing option for the Council to consider. Another advisor said there were good reasons why the program was eliminated in FW48, such as issues with late monitors and delaying auctions, and with boats that offloaded to trucks and then to auction. Another advisor agreed and said that landings misreportings are caught by NOAA Office of Law Enforcement (OLE) and state agencies law enforcement.

Sector Monitoring Coverage

One advisor asked if Option 3 should have the same range of rates to analyze. Staff explained that the fixed coverage range for Option 2 came from the Committee, and that the PDT developed the percentage of catch for an alternative method to the CV standard as Option 3. Another advisor asked if the PDT had any discussion on implementation of the percentage of catch method and whether this works in the real world. Staff answered that the PDT hadn't discussed this yet and that the PDT is looking for feedback on

this idea today and would work through the details in analysis. One advisor asked whether the fixed coverage rates for analysis include NEFOP coverage, and staff answered that the PDT has been assuming that would be part of the total coverage rate and so would need clarification if it is not. Another advisor asked to clarify the percentage of catch option. Staff explained that this option says that sectors would monitor X percentage of their catch, rather than an approach taken across the whole fleet, for example, if 80% of the catch was caught by 50 boats monitoring would be focused there. One advisor said he thinks the Council should look at this by species level basis to get away from problems like this year when Georges Bank (GB) winter flounder drove coverage and some boats don't even interact with that stock.

Sector Monitoring Tools

One advisor said that the alternative language on electronic monitoring (EM) systems shouldn't be too specific, as they don't want to limit innovation. In response to a question about who determines the video review rate for EM, staff explained that the agency does now, and that this would likely be done in consultation with the Council, but this can be left open for now. Another advisor requested a presentation on the maximized retention project data. Staff answered that the PDT is planning for a meeting to review the EM projects once project reports are available. Another advisor said one of the vessels that offloads at his facility is participating in the maximized retention project and has shown very consistent data in undersized fish. One advisor asked why the alternative is tying electronic reporting (ER) to EM. Another advisor said it's required for the audit model EM project, though he was not sure about the maximized retention project, and staff said it would be helpful to know in developing the alternatives whether it should continue to be required.

Additional Considerations for Developing Alternatives

One advisor commented on the PDT's suggestion to consider addressing broad stock area (BSA) reporting in A23, saying he would support increased VMS polling and single BSA fishing qualifying for a lower monitoring rate, but thought haul by haul electronic reporting might be too much. Another advisor asked what issues with BSA reporting need to be addressed. Staff referred to the Palmer paper and analysis done by Mr. Chad Demarest on BSA misreporting. The advisor responded that she thought Chad's analysis suggests only a few boats individually identifiable can be determined to be the problem, and that she wouldn't want vessels that fish in multiple BSAs to have higher monitoring. She would like to tighten up BSA reporting but is not sure what to recommend to address this. An advisor noted there has been confusion with the requirement for when to report BSA (haul begin or haul back) and wondered if that still exists. She is also concerned about disincentivizing vessels to fish in multiple BSAs.

Motion #1: Soule/Goethel

> The Advisors recommend to the Committee that in Section 4.1.1.2 (Knowing the Total Monitoring Coverage Level at a Time Certain) under Section 4.1.1.2.2/Option 2 (Administrative Measure for Knowing Total Monitoring Coverage Level at a Time Certain) recommend the time certain as three weeks prior to the annual sector enrollment deadline by NMFS.

Discussion on the Motion: The GAP also felt that a discussion should occur with third party monitoring providers to ensure adequate time for training. Ms. Etrie noted that some sectors use an earlier deadline than April 30, and said they will be seeing a major shift in how deployment of PTNS/SBRM works and so will rely more on the NEFOP rate known typically in April, suggesting this could be noted in the alternative as a footnote.

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

Motion #2: Goethel/Soule

> The Advisors recommend to the Committee that in Section 4.1.1.3 (Funding for the Groundfish Monitoring Program) to move Section 4.1.1.3/Option 2 (NMFS-Funded At-Sea Monitoring Option) to considered but rejected.

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

Motion #3: Goethel/Soule

> The Advisors recommend to the Committee to develop an option that would use the NEFOP-level (SBRM) of at-sea coverage to determine the discard rates.

Rationale: Under the purpose and need statement – minimizes cost to NMFS and industry.

Motion #4: Raymond/Odell

> To table Motion 3 until discussion occurs later in the day regarding Section 4.2 (Commercial Fishery Measures).

Motion #4 ***carried*** *on a show of hands (7/0/0).*

Motion #5: Goethel/Brady

> In Section 4.2.1 (Groundfish Sector and Common Pool Monitoring Program Revisions), the Advisors do not support Section 4.2.1.1.2/Option 2 (Dockside Monitoring Program) – which would be a mandatory program for groundfish sectors and the common pool.

Rationale: This expresses a lack of support, but this would not mean removing from the document. Some would still like to see Option 2 analyzed.

Discussion on the Motion: The maker of the motion clarified that this is separate from the sector option for dockside monitoring. One advisor asked if the PDT could do an analysis on the rate of return for the cost of DSM. He said he would like to see this analyzed for costs, as it might end up being a more cost-effective way to monitor catch if landings are the majority of catch. Staff explained that Mr. Demarest had done an analysis of the ASM rate of return, and they could ask if it's possible to do this for DSM, noting he would have to analyze from past program cost information and state programs.

Motion #5 ***failed*** *on a show of hands (3/4/0).*

Motion #6: Raymond/Soule

> The Advisors recommend to the Committee that in Section 4.2.1 (Groundfish Sector and Common Pool Monitoring Program Revisions) to revise Section 4.2.1.1.12/Option 2 (Dockside Monitoring Program) to only include 100 percent coverage of all trips.

Discussion on the Motion: The maker of the motion felt that if 100% DSM satisfies the Council's goal of improving catch accounting then this would be a cheaper way to get there, and said the reason for the past program failing was that DSM coverage was less than 100%.

Motion #6 ***carried*** *on a show of hands (4/3/1) (the Chair broke the tie).*

Motion #7: Raymond/Odell

> The Advisors recommend that NEFOP coverage would continue to be combined with ASM coverage to fulfill the total monitoring coverage rate.

Discussion on the Motion: One advisor asked to revisit the question of why the ASM program was added for the sector program. Staff explained this was part of the transition from the Days at Sea (DAS) system to the sector program, which removed effort controls and needed a way to monitor catch. Another advisor asked whether this would be fully consistent with the Magnuson Stevens Act (MSA), and staff answered they were not sure it would be consistent with the catch share policy directives from NMFS, even if it is consistent with MSA.

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

Motion #8: Raymond/Odell

> To "untable" Motion #3.

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

Motion #9: Goethel/Soule

> The Advisors recommend to the Committee to develop an option that would use the NEFOP-level (SBRM) of at-sea coverage to determine the discard rates.

Rationale: Under the purpose and need statement – minimizes cost to NMFS and industry.

Discussion on the Motion: In response to several clarifying questions, the maker of the motion said the intent is that this would replace the ASM program. Staff said they are not sure this would meet the goals and objectives of the monitoring program on its own and would certainly not improve the current program, and so this would need to be packaged with another program. Staff pointed to analysis in Framework 55 (FW55) that looked at the CVs if there had only been NEFOP coverage, which are much higher without the extra data. An advisor said that every other fishery relies only on NEFOP coverage for

monitoring, so why does the groundfish fishery have extra monitoring. Another advisor pointed out the rationale for adding ASM coverage in Amendment 16 for catch accounting for the sector program.

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

Motion #10: Raymond/Odell

> The Advisors support a fixed coverage level based on a percentage of trips (Section 4.2.2.1.2 Option 2: Fixed Total At-Sea Monitoring Coverage Level Based on a Percentage of Trips) as an alternative to the No Action (a variable rate determined using the CV standard while meeting certain criteria).

Motion #10 *as friendly amended***:** Raymond/Odell

> The Advisors support a fixed approach to determining a coverage level for the sector program rather than the No Action (a variable rate determined using the CV standard while meeting certain criteria).

Discussion on the Motion: The maker of the motion said she does not think it's appropriate to have the current method for determining monitoring coverage where some stocks rarely caught determine the coverage level, and that a fixed level provides increased accuracy, consistency for evaluating effectiveness, and consistency for sector members to know the coverage level.

Motion #10 ***carried*** *on a show of hands (7/0/0).*

Motion #11: Goethel/Soule

> The Advisors recommend to the Committee that the sector monitoring standards should be applied at the vessel level for analysis.

Additional comment: For the analysis, examine at the vessel level and sector level.

Discussion on the Motion: The maker of the motion felt this would improve accuracy and precision of catch, would help with those who evade coverage because they have discard issues, and would allow everyone to know the coverage level ahead of time. One advisor noted that NMFS has sectors address low monitoring problems with individual vessels and is not sure this is proper vehicle to deal with the evading coverage problem. Another advisor thought it would be interested to analyze this even if it is not possible to implement.

Motion #11 ***carried*** *on a show of hands (7/0/0).*

Motion #12: Raymond/Smith

> The Advisors request the Committee task the Plan Development Team to investigate the possibility of decoupling the ASM program from the NEFOP program, to allow sector managers and monitoring providers to work toward more balanced coverage within each sector (rather than using the Pre-Trip Notification System, PTNS, for ASM).

Discussion on the Motion: An advisor said the Council should have discussions with the observer program on whether this would work with being able to randomize coverage across strata. He also noted that sector managers can complain about boats with coverage that is too high but they don't have much success when coverage is too low. Another advisor agreed that they would need observer program involvement early in discussions, and provided an example with EM boats where they are still required to do PTNS in order to determine NEFOP deployment.

Motion #12 ***carried*** *on a show of hands (7/0/0).*

Motion #13 *as friendly amended***:** Goethel/Brady

> The Advisors recommend to the Committee that if the vessel select the electronic monitoring (EM) option, selection be made by the vessel, not by the sector, and that selection is made for the entire year, but may be changed once during the fishing year.

Discussion on the Motion: The maker of the motion said this is a personal, individual choice, and should be made for the entire year so people aren't switching out of EM when they have a discard problem, etc. Another advisor agreed that this selection should be made by the vessel, and said that there have been no issues now with the exempted fishing permits (EFPs) and some vessels using EM while others are not. He also felt it would be a good compromise to allow switching out once per year in case EM doesn't work out for an individual.

Motion #13 ***carried*** *on a show of hands (7/0/0).*

Motion #14: Raymond/Soule

> The Advisors request that the Committee/Council provide clarification of which aspects of the current monitoring program require additional "accuracy" and the level of monitoring that would be required to "prevent overfishing" (see A23 statement of purpose and need).

Discussion on the Motion: The maker of the motion said that other than improving from the CV method with fluctuating coverage rates, she is not sure what else can be done in the amendment. She also thought it would be helpful to have analyses to understand what level of monitoring would fix retrospective problems in assessments, for example. Staff pointed to the PDT's analyses that are being peer reviewed which will help to address the question of what monitoring levels are needed to improve accuracy of catch data. Staff also noted the PDT's list of uncertainties in the groundfish fishery that they had put together last year to capture the challenges in the fishery. Staff explained that catch data accuracy can impact the assessments in the context of missing catch for mortality, and provided an example of the fluke assessment in which the new Marine Recreational Information Program (MRIP) estimates appear to have fixed the retrospective issue. In response to a question, staff explained that analysis on retrospective issues has since turned into a discussion on how catch data is used in assessments, to be addressed by the Fishery Data for Stock Assessment Working Group. An advisor said he would like to see analyses for all uncertainties, and thinks they need to cast a wider net, for example, considering lobster fishery bycatch of cod. He thinks groundfish issues with retrospective errors will not be fixed by monitoring. One advisor noted that while the uncertainties are cast widely across the fishery, it may be that an identifiable sector of the fishery is breaking the rules, and that this is a law enforcement issue. Another advisor countered that

even if fishing differently on observer or unobserved trips is not for nefarious reasons, this still impacts data streams.

Motion #14 ***carried*** *on a show of hands (7/0/0).*

Motion #15: Odell/Brady

> The Advisors recommend to the Committee that the range of alternatives for Amendment 23 be considered following the completion and full discussion of the Plan Development Team analyses, related to the "problem" (and magnitude of the problem) concerning "accuracy" of catch (landings and discards).

Motion #15 ***carried*** *on a show of hands (6/0/1).*

Motion #16: Goethel/Soule

> To add a section to the alternatives that differentiates NEFOP/Observer responsibilities from ASM responsibilities

Discussion on the Motion: The maker of the motion said he would like to add section in the A23 document on housekeeping of the ASM program. As part of that, he would like to see an outline of ASM duties vs. NEFOP duties, as he understood that ASM only deals with catch accounting.

Motion #16 ***carried*** *on a show of hands (7/0/0).*

Motion #17: Goethel/Brady

> To change such that EVIC (EPIRB Visual Inspection Card) are issued on the first observed trip of the fishing year, and the card will be good (will not expire) until the first piece of equipment inspection date (e.g., EPIRB or life raft expiration date).

Discussion on the Motion: The maker of the motion said his intent is to cut down on the “irritation factor” with these pre-trip safety inspections. An advisor wondered if there might be another compromise, as she wouldn’t want to mandate a safety change in a Council action.

Motion #17a: Raymond/Odell

> To move to substitute that the Groundfish Committee Chair/Council request the Observer Program meet with fishing industry in a workshop to minimize issues with observers (safety checks, gear, etc.).

Motion #17a to substitute ***carried*** *on a show of hands (6/1/0).*

Motion #17b as the main motion ***carried*** *on a show of hands (5/1/1).*

AGENDA ITEM #2: GEAR STANDARDS POLICY

PRESENTATION: COUNCIL GEAR STANDARDS POLICY, DR. COURNANE

Staff provided a brief overview of the Council's gear standards policy, explaining that the recently tested large mesh belly panel net is not approved for the southern windowpane accountability measure (AM), and the Council's interest is revising the policy so it isn't overly prescriptive so the large mesh belly panel net can be included. Staff described PDT discussions on how to revise the policy, discussing whether the Council could just add a sentence clarifying its interest in AM species, but even then the study didn't meet the criteria for bycatch reduction. The PDT then discussed whether there could be a separate policy for AM species vs. groundfish stocks, but that this might go beyond the Council's intent. The PDT also discussed whether this change would need to be Council action or could be a change in Council policy. The goal of the GAP's discussion was to consider the PDT's revisions to the Council policy on gear standards to facilitate use of gear in accountability measures and make recommendations to the Committee.

Questions and Discussion:

One advisor thought the Council should work on less restrictive language on the reduction in catch, saying that in this case 48% is close enough to 50%. Mr. Alexander offered that the whiting committee had a discussion on developing an AM to reduce catches of red hake and that potentially that language could be used here, although staff expressed concern about being too prescriptive again and suggested maybe they could clarify the factors the Council could take into consideration. Another advisor suggested that the standard could be to help stay within the AM. In response to a question, staff explained that the southern windowpane AM is implemented once data is available, in either the subsequent year or two years after the overage. An advisor noted that the whiting fishery is testing the net out on Cultivators Shoal and is finding it reduces yellowtail catch and said the use of the net helps to allow enough windowpane left over for the groundfish fishery for bycatch.

AGENDA ITEM #3: PRIORITIES FOR 2019

PRESENTATION: 2019 COUNCIL PRIORITIES, DR. COURNANE

Staff provided an overview of the list of 2019 Council priorities as an update, which include annual priorities such as setting ABCs/ACLs for all groundfish stocks for FY2020-2022 and US/CA stocks for FY2020, and multi-year priorities such as A23.

Questions and Discussion:

None

AGENDA ITEM #4: OTHER BUSINESS

One advisor wanted to discuss the total monitoring coverage rate for 2019, saying he is concerned about how those participants who are unable to access certain stocks are subjected to a monitoring level that is based on that stock. Ms. Sullivan said she understands these concerns but explained it is not possible to

have sector specific or gear specific monitoring rates, as this would be too difficult to determine across strata. She further explained this is the reason why GARFO supports the Council in pursuing a different method for determining coverage levels through A23. Another advisor said she is frustrated that GARFO determined the coverage rate with stock status of "approaching overfishing" which does not follow the guidance from Council.

Motion #18: Odell/Brady

> To request the Committee/Council ask NMFS that for FY2019 the target coverage level be based on the Council's policy as approved by NMFS in FW55, the result would be based on Georges Bank yellowtail flounder at the 20% target coverage level.

Rationale: Council policy was not based on "approaching an overfished condition" as described for Georges Bank winter flounder in the FY2019 coverage analysis.

Discussion on the Motion: One advisor said that currently the agency determines the monitoring level and asked if this motion is asking Council to tell the agency what to do. He added that he also thought that the MSA discusses approaching overfishing/overfished status and recognized that the agency may want to proactively prevent overfishing by using this as a criterion. Staff explained that the Council had determined the policy for filtering out stocks for monitoring coverage in FW55 which was approved by the agency and may be concerned with how this process is being interpreted. Another advisor said he is concerned that the agency wants to spend the extra money it currently has on additional monitoring when they should be extending the funding, and is also concerned about not having enough observer staff for higher coverage levels. Ms. Sullivan clarified that in determining coverages rates the agency does not consider monitoring staff availability. She also clarified that the FW55 process does not exempt stocks from meeting the CV 30 requirement, and also noted that GB winter has not met performance criteria in several years.

Motion #18 ***carried*** *on a show of hands (5/0/1) (One advisor out of the room).*

The Groundfish Advisory Panel meeting adjourned at approximately 3:20 p.m.