



#2

New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
C. M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: January 12, 2012
TO: Groundfish Oversight Committee
FROM: Groundfish Plan Development Team
SUBJECT: **2012 Groundfish Committee Tasks**

1. The Groundfish Plan Development Team (PDT) met December 12, 2011, and held a conference call January 9, 2012 to begin work on 2012 groundfish priorities. Participating in either or both of these discussions were Tom Nies, Anne Hawkins, and Michelle Bachmann (NEFMC), Sarah Heil, Melissa Vasquez, Dan Caless, and Mike Ruccio (NERO), Chad Demarest, Paul Nitschke, and Evan Bing-Sawyer (NEFSC), Steve Correia (Mass DMF), Sally Roman (SMAST), Sally Sherman (Maine DMR), and Terry Stockwell (Committee chair). This memo summarizes both discussions.

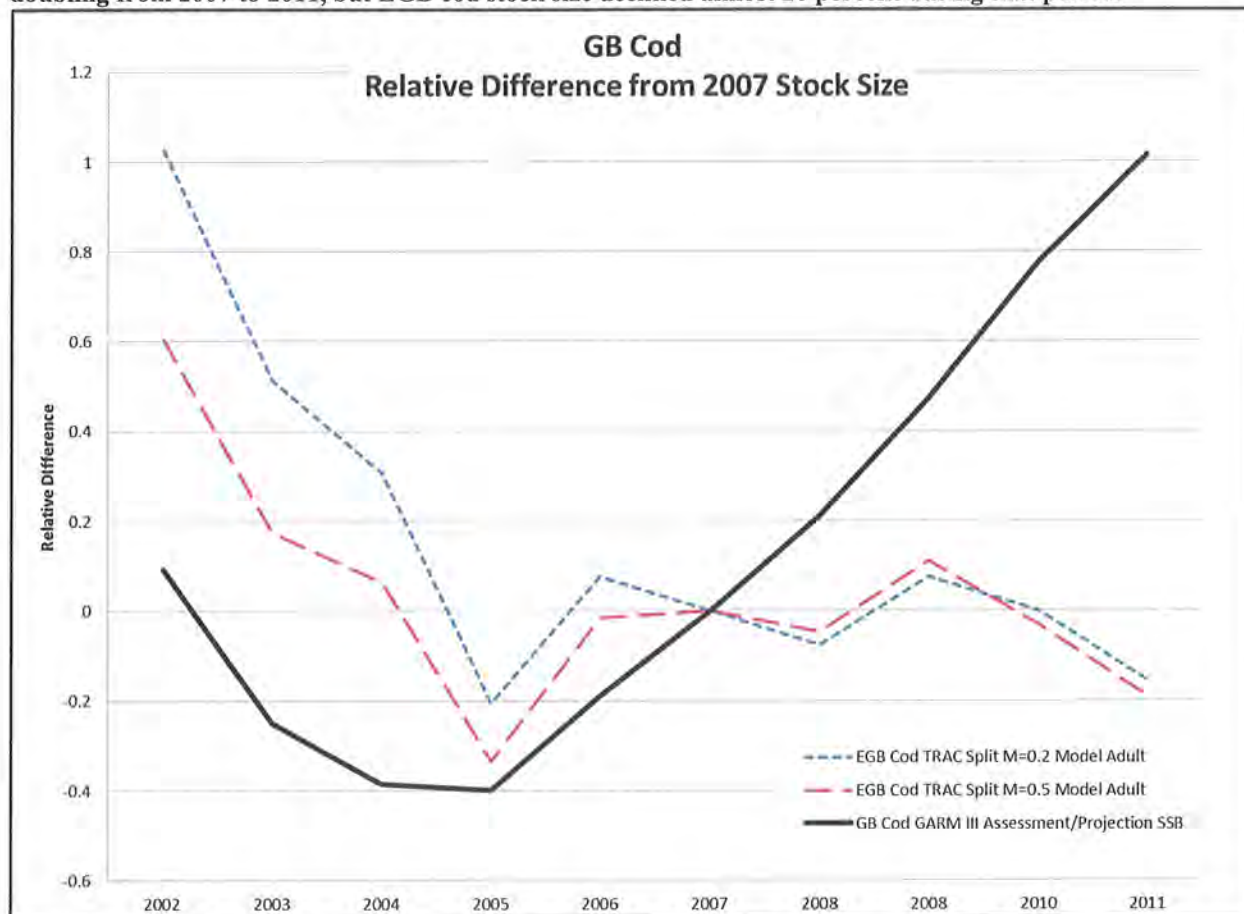
2. The PDT addressed the following topics: the recent GOM cod assessment, the planned sector measure adjustment framework, and potential modifications to groundfish closed areas. Progress on the sector framework and the closed area modifications has slowed as PDT members complete FW 47 and address GOM cod issues.

GOM Cod

3. One of the reactions to the GOM cod assessment has been to assume that the radical change in the perception of this stock's status is a rare event. While hopeful this is the case the PDT cautions that it may not be. This past summer the PDT was augmented to develop ABCs for groundfish stocks. Work by that expanded group indicated that stock projections are often biased high, leading to catch levels that are set too high and rebuilding that does not proceed as quickly as expected. If this pattern continues, then it is likely that the updated assessments of groundfish stocks that are being conducted in February may find that stocks are not as large as expected and catches will need to be reduced from those in FY 2011 and FY 2012. Based on what has been seen in recent TRAC assessments of EG cod, GB cod is one stock that is of serious concern. There has been essentially no stock growth on eastern GB for several years, yet ABCs for the entire stock have assumed a steady increase because stock size was projected to increase (see

Figure 1). It seems very possible that if the assessment for the entire stock follows the pattern seen in the TRAC catches will need to be reduced. There may be other stocks that are a concern as well: the augmented PDT's work showed survey indices for witch flounder and plaice are not increasing as would be expected if rebuilding was proceeding as predicted.

Figure 1 – Comparison of relative stock size changes as indicated by TRAC assessments of EGB cod and GARM III assessment and projections for GB cod. Differences are calculated from 2007, the terminal year for the GARM III assessment. Note differences after 2007 between the projection based on GARM III and realized change from the two TRAC assessment models. The GARM III projection anticipated stock size doubling from 2007 to 2011, but EGB cod stock size declined almost 20 percent during that period.



4. The PDT discussed GOM cod projections that are being prepared for the January 25, 2012 meeting of the Science and Statistical Committee (SSC). Projections will be based on the SARC 53 GOM cod assessment. The PDT is aware that there may be changes to this assessment as a result of revised recreational catch estimates but until those results are known the PDT cannot be certain what the impacts will be. Informal information suggests the MRIP recreational catches may be lower than that used in the assessment that was based on MRFSS data. Revised recreational catch estimates based on the MRIP program are expected to be released prior to the January Council meeting. These could affect the assessment by changing the catch-at-age, but it is not clear when the analyses with the new catches will be available. The new recreational estimates could also change the catch estimated for 2011. Neither of these changes is likely to be large enough that projected ABCs will approach recent values. The following discussion is based

on the data currently available to the PDT and does not take into account the possible changes to recreational catch estimates.

5. The PDT discussed two key assumptions for the catch projections: the 2011 catch and the recruitment stream for the short-term projections. Based on an examination of MRFSS and commercial catch information it is unlikely that the 2011 catch will be the same as the 2010 catch used in the assessment, so the PDT will use a lower value estimate. The PDT will also take into account the fact that fishing during the first four months of 2012 will occur under the 2011 ACL and not a reduced 2012 ACL that is consistent with the assessment results. This has implications for future catches as well as stock rebuilding. The PDT also will perform a sensitivity analysis for the recruitment assumption. These assumptions will be documented for and reviewed by the SSC.

6. It does not seem likely that the Council will recommend 2012 ABCs at the January 2012 Council meeting as originally planned, but may request emergency action. That request might recommend a catch level for FY 2012 and may recommend additional management measures. While commercial vessels in sectors will have their allocations automatically adjusted if ACLs are reduced, and common pool commercial measures can be adjusted by NERO, there is no mechanism to automatically adjust recreational measures.

7. The possible changes in the ABCs/ACLs are large enough that additional commercial and recreational measures may be necessary. Without knowing the catch that will be allowed it is difficult to design specific measures so the following discussion highlights possible approaches without providing many details. Should the Committee want to pursue these issues further the PDT may be able to do some analyses prior to the Council meeting to facilitate discussions.

Commercial Measures

8. GOM cod is a key component of the catch of inshore fishermen. Observer data indicates that in some areas of the GOM some cod is caught on almost every observed tow (see Figure 2). With a dramatically reduced ABC/ACL there is a possibility that incidental catches of cod on unobserved trips could lead to catches that exceed specified levels and threaten mortality targets. The PDT believes that this issue is important enough that there may be a need for much higher observer coverage to reduce the likelihood that unobserved discards of GOM cod will damage the resource. PDT members note that the issue is not a question of the amount of coverage needed to achieve a specific CV on this stock – the concern is that behavior on unobserved trips will lead to a bias in discard estimates that will lead to additional assessment uncertainty.

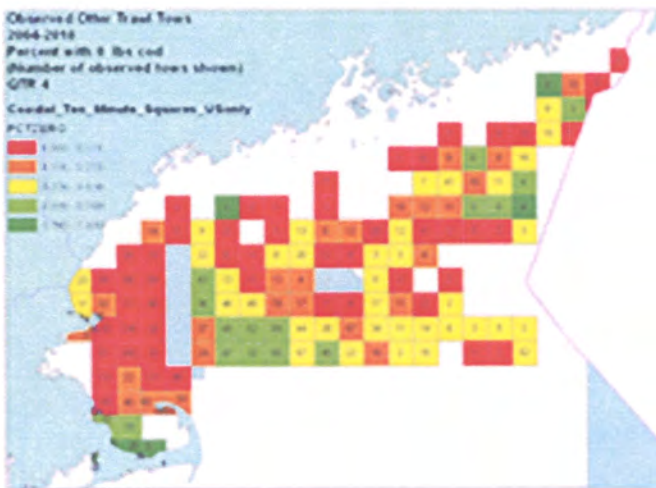
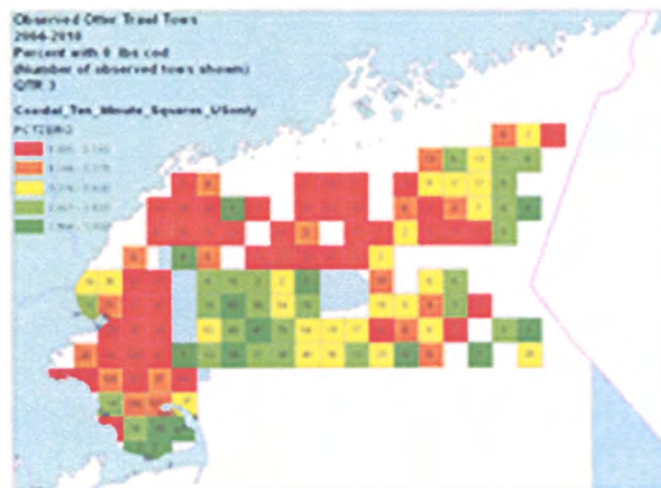
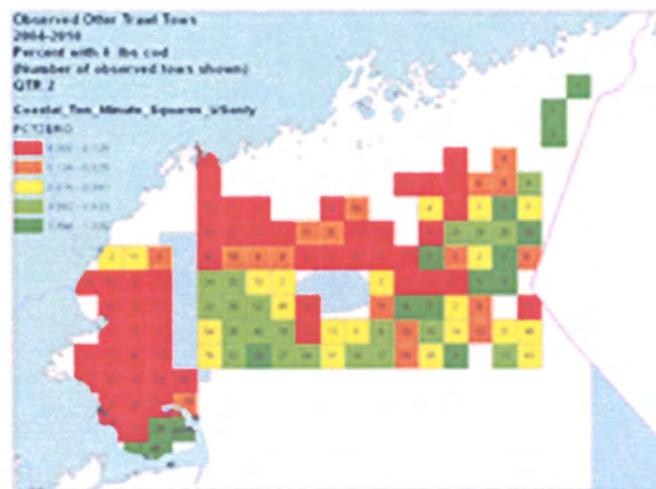
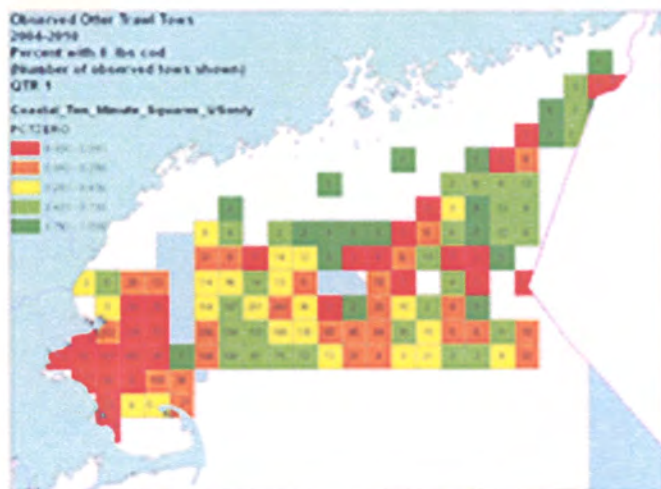
9. Absent an increase in observer coverage, there may be a need to prioritize coverage for areas where fishing activity is likely to encounter GOM cod. This would affect the planned assignment of coverage as determined by the SBRM but may be necessary to monitor a low GOM cod ACL.

10. Increasing observer coverage will lead to increased costs, and funding the increased coverage will be a concern. There are alternative measures that might be cheaper. Time and area closures could be used to reduce interactions with GOM cod, but given the evidence from observed trips these may have to be extensive to be effective. Requiring selective gear may also help, but there are few approved gear alternatives for sink gillnet and longline gear and limited choices for small trawl vessels that fish in inshore areas.

11. The PDT discussed the possibility of removing the minimum size regulation in order to require landing all cod caught, reducing discards on observed trips. This may seem counter-productive but if it leads to better catch information it could improve assessment results. This idea needs further investigation before the PDT is comfortable recommending it. Removing the minimum size could result in changes in fishery selectivity and as a result there are implications for reference points and ABCs that need to be carefully evaluated.

12. There has been extensive discussion over the past year suggesting the removal of the GOM rolling closures. Given the apparent dire status of GOM cod the PDT urges caution with doing so.

Figure 2 - Percent of observed trawl tows catching any GOM cod, 2004-2010, by calendar year quarter



Recreational Measures

13. The type of recreational measures needed depends on the amount of catch reduction needed. It is difficult to predict the effectiveness of recreational measures. Generally, the measures that would be most effective are time or area closures, followed by bag limits and then minimum size restrictions.

14. Minimum fish size: The current recreational minimum fish size is 24 inches for GOM cod. Information in the assessment suggests that recreational discards increased with each recent increase in the minimum fish size. While it may seem counterintuitive, a reduction in the minimum size to 19 inches might reduce discards and overall recreational catches.

15. Bag limits/seasons: A change in minimum size alone is not likely to meet mortality objectives. Party/charter interests typically oppose changes in the bag limit below ten fish per angler, but the only alternative to a restrictive bag limit would seem to be a shorter season or closed area. A closed area is probably the most effective measure. A bag limit of five fish per angler and closing the WGOM closed area to all recreational groundfish fishing would likely dramatically reduce recreational catches.

Sector Framework

16. The PDT started preliminary discussions on the framework to implement improvements to the sector management system. They considered the summary of the NEFMC's October workshop on "lessons learned" in sector management and discussions by the Groundfish Committee and Advisory Panel to start to identify issues that may be included in the action. The PDT asks that the Committee identify the issues it wants to address in the framework so that measure development can proceed.

17. Data and Administrative Requirements – The PDT briefly discussed data issues that were raised at the workshop. NERO had a workshop with sector managers in August 2011 and is working on improving the data reconciliation process. In response to concerns raised at the workshop, they are clarifying what points of contact are required from the sectors for different types of activities. The PDT raised the possibility of providing multi-year exemptions or multi-year operations plans for sectors in order to address many workshop participants' desire for stability in management. These Environmental Assessments are currently written by NERO, but the continued funding for that is uncertain. The PDT also discussed the possibility of reviewing the annual reports to see if the information included is what the Council intended, and whether more or different information would be useful to management.

18. Monitoring – It is unclear whether the requirement for dockside monitoring will return in 2013 absent Council action. The PDT requested clarification from NERO on this issue, and it appears that consistent with the current regulations that 20 percent of trips will be subject to DSM beginning in FY 2013. In regards to the entire monitoring program, there is little information in the current FMP on goals, generation of costs, standards for coverage levels, and

other structural issues. The PDT identified the following steps as necessary in the development of the monitoring options for the framework:

- Establish goals
- Determine standards
- Summarize requirements in other regions and what benefits they get
- Clarify requirements/A16 language
- Clarify what data is used for (e.g. to determine discard rates)
- Explore what data can be provided by electronic monitoring as designed

The PDT discussed observer bias and will try to identify what studies have been done that can determine whether an observer effect is occurring. After the meeting PDT members will work on identifying metrics for determining what elements are important for the monitoring system, developing straw man goals for monitoring, and looking at best practices from other regions. The PDT also briefly discussed observer treatment and considered whether accommodations and the ability to observe should have some bearing on the metrics are developed (such as whether complaints have risen since observers are perceived to play more of an enforcement/monitoring role).

19. Approved Sector Exemptions – The Groundfish Advisory Panel and Groundfish Committee recommended looking at the requested exemptions that had been approved for the FY 2010 and FY 2011 operations plans and considering making them universal. The complete list of these exemptions is in Table 1. For the prohibition on discarding legal-sized fish, they considered looking at whether allowing discarding of non-market fish would change size distributions. The goal is eventually to have the committee go through the exemptions and consider whether each should be universal. The PDT notes that there are at least three possible responses to each item on the list:

- Take no action, which would allow approval as an exemption on a case-by-case basis
- Adopt as a universal exemption
- Remove the regulatory requirement for all groundfish fishing vessels

20. ACE Carryover – The PDT briefly discussed the issue of increasing ACE carryover, but noted that it was a complicated issue and would have to be considered carefully. Increasing the amount of ACE that can be carried over may have implications on how much fish is caught in a given fishing year, and may increase the risk of exceeding an annual ACL. Further work and guidance is needed on this topic to identify the issues involved and the potential range of solutions. ACE carryover changes are complicated by the need for legal and policy guidance on this issue.

Table 1 – Approved Sector Exemptions in FY 2010 and FY 2011

Exemption	Implementing Rule(s)
Approved in 2010 and 2011	
120 Day Gillnet Block out of the Fishery	FY 2010 Sector Final Rule (75 FR 18113) and FY 2011 Sector Final Rule (76 FR 23076)
20 Day Spawning Block	FY 2010 Sector Final Rule (75 FR 18113) and FY 2011 Sector Final Rule (76 FR 23076)
Limitation on the Number of Gillnets that May be Hauled on GB when fishing on a Groundfish/Monkfish DAS	FY 2010 Sector Final Rule (75 FR 18113) and FY 2011 Sector Final Rule (76 FR 23076)
Limitation on the Number of Gillnets for Day Gillnet Vessels	FY 2010 Sector Final Rule (75 FR 18113) and FY 2011 Sector Final Rule (76 FR 23076)
Limitation on the Number of Hooks	FY 2010 Sector Final Rule (75 FR 18113) and FY 2011 Sector Final Rule (76 FR 23076)
Prohibition on a vessel's hauling another Vessel's gillnet gear (Community Fixed Gear)	FY 2010 Sector Final Rule (75 FR 18113) and FY 2011 Sector Final Rule (76 FR 23076)
Length and horsepower restrictions of the DAS Leasing Program.	FY 2010 Sector Final Rule (75 FR 18113) and FY 2011 Sector Final Rule (76 FR 23076)
GOM Sink Gillnet Mesh Exemption (January - April)	FY 2010 Supplemental Sector Final Rule (75 FR 80720) and FY 2011 Sector Final Rule (76 FR 23076)
Approved in FY 2011	
Prohibition on Discarding Legal Sized Regulated Fish	FY 2011 Sector Final Rule (76 FR 23076)
GOM Sink Gillnet Mesh Exemption in May	FY 2011 Sector Final Rule (76 FR 23076)
Daily catch reporting by Sector Managers for Sector vessels that fish in the Closed Area I Hook Gear Haddock Special Access Program	FY 2011 Sector Final Rule (76 FR 23076)
Trawl gear Requirements in the US/CA Management Area	FY 2011 Sector Final Rule (76 FR 23076)
Requirement to maintain VMS powered while at dock	FY 2011 Sector Final Rule (76 FR 23076)
Dockside monitoring requirements for vessels fishing west of 72-30't	FY 2011 Sector Final Rule (76 FR 23076)
DSM requirements for Handgear A-permitted Sector Vessels	FY 2011 Sector Final Rule (76 FR 23076)
DSM Requirements for monkfish trips in the monkfish Southern Fishery Management Area (SFMA)	FY 2011 Sector Final Rule (76 FR 23076)
Prohibition on the possession or use of Squid or Mackerel as bait in the Closed Area I Hook Gear Haddock SAP*	FY 2011 Sector Final Rule (76 FR 23076)

*Exemption granted and until the A16 correction rule (76 FR 42577) permanently eliminated this prohibition. Therefore, exemption is no longer necessary.

Possible Modifications to Groundfish Closed Areas

21. The PDT began work on possible modifications to groundfish closed areas (year-round, rolling, and seasonal). PDT members reviewed the reasons for the establishment of the closed areas. In many cases, the original reasons the closures were established are murky and often not well-documented, but by the time Amendment 13 was adopted most existing closures were being used primarily to control fishing mortality.

22. The next step taken was to develop a list of the possible impacts of closed areas. The PDT believes that this list can be used in at least two ways. First, this list begins the process of identifying the possible impacts that will need to be analyzed in the supporting NEPA document if changes to the areas are considered. Second, the list may provide a broader view of the types of management objectives that closed areas may help achieve. It is possible that this may provide a way to evaluate the utility of areas as a tool to achieve a range of management objectives. This in turn could help in the design and selection of any changes to the existing areas. Given the Council's stated intent to move towards ecosystem based management a broader view of the uses of closed areas may be appropriate. The PDT's initial draft list is shown in Table 2. The next step will be to use this list to identify the information that will evaluate or measure these impacts.

23. The PDT also met with Dr. Jake Kritzer, Dr. Steve Cadrin, Dr. Jamie Cournane, and Dr. Lisa Kerr. These four scientists have begun a research project that is examining the impacts of the existing year round groundfish closed areas. Dr. Kerr provided an overview of the analytic approach. PDT members offered suggestions for refining the analyses so that the information would help support decisions on possible modifications to the areas. The PDT will work closely with this group as their work will be extremely useful for making decisions about changes to the areas.

Table 2 – Possible impacts of closed areas

Category	Description of Possible Impact	Comments/examples/explanation
Biological	Mortality control	Not only groundfish common pool measures but perhaps for other species; e.g. skates; monkfish;
	Changes in stock productivity	increasing productivity for stocks - potential benefit - see if productivity has changed
	--Spawning protection	Whaleback closure, several state waters examples
	--Refuge	May be a better way to describe control of catch? Consider refuge for old, larger fish as well as juveniles; some portions of population may be sedentary at certain life stages and areas may provide protection during vulnerable life stages
	--Life stage protection/vulnerability	Example: wolffish nests; ocean pout; juvenile cod
	--Improved age/size structure	
	Modify or control bycatch	MWT, whiting fisheries
	Public health	PSP ; New Bedford state waters pcb closures; any applicable to federal waters? Pollution?
	Possible impacts on stock assessments	May facilitate disease transmission inside areas Methot/Punt article noting that Marine Protected Areas may create conditions that violate stock assessment assumptions
Economic	Catch rate changes	Fishing along border?
	SAP opportunities (e.g. CAI Hook Gear Haddock SAP)	Trawl-fixed gear separation
	Scallop access areas	
	Restrict access to resources that cannot be accessed in other ways	Haddock on EGB
	Dedicated areas for user groups	Rec fishing; SAPs; lobster fishery

Category	Description of Possible Impact	Comments/examples/explanation
Social	Prevent/reduce gear conflicts Aggravate user group competition	Commercial-party/charter; groundfish-lobster Resentment over access to "closed" areas
Protected Species	Reduce interactions between fishing activity and protected species	Harbor porpoise, right wales, turtles, sturgeon, etc.
Ecological	Promote interspecific and intraspecific species diversity Research value Herring spawning - other species spawning protection River herring measures - Less disturbed community structure/ less disturbed food web Species and ecosystem resilience Concentration of fishing effort	Closed areas may protect unique spawning groups within populations Response of habitat to changes in fishing pressure asmfc; fish or mats? Herring A5 May concentrate effort outside of closed areas; this could overlap critical habitat for some species
Other	Skate, monkfish mortality Areas for other ocean uses	FMPs that may use effort control measures as an element of the plan Wind farms, etc. Effects not necessarily positive for fishery resources
Habitat	(See habitat amendment analyses)	

Requested Sector Exemptions for FY 2012

24. The PDT is aware that the Committee and Council may be asked to comment on exemptions requested by sectors for FY 2012 (see Table 3 – Sector exemptions for FY 2012). NERO was asked to provide a list of requested exemptions so that PDT could offer advice for the Committee's consideration. Given the limited time available the PDT offers only a few comments on the requested exemptions. This should not be interpreted as an endorsement of the requests that are not commented on.

- Access to GOM rolling closures in April, May, or June: Given the recent GOM cod assessment, granting these exemptions is a cause for concern. While the closures were primarily designed for reducing mortality on cod and other stocks there is considerable evidence that they have helped protect cod spawning components in the western GOM. Until the stock's status becomes clearer it may not be wise to increase the risk of interference with cod spawning.
- Allow ACE carry-over of up to 50 percent: There may be legal and policy issues with this request. Relatively small amounts of carry-over from year 1 to year 2 can result in allocating more catch in year 2 than the ABC that has been specified. There are also biological concerns that need to be examined, particularly if stock size and/or the ABC are declining (either in an expected manner as was the case for GOM haddock or as the result of a new stock assessment).
- ASM requirements: Several requests address the requirements for ASM. There may be technical reasons to disapprove these requests. For example, if vessels are allowed to request an observer and avoid the pre-trip notification system, those trips no longer are random and the information likely would not be used to determine discard rates. If vessels can avoid ASM by declaring a certain type of trip, what guarantees that type of trip is actually taken? If sectors are allowed to use discard rates from previous years rather than ASM, how will changes in discard rates be identified?
- Pair trawling: Groundfish pair trawls have not been used in this fishery in recent years and the impacts on other species and marine mammals are not known.

Table 3 – Sector exemptions for FY 2012

Exemptions Requested in FY 2012 Operations Plans
Previously Approved
120 Day Gillnet Block out of the Fishery
20 Day Spawning Block
Limitation on the Number of Gillnets that May be Hauled on GB when fishing on a Groundfish/Monkfish DAS
Limitation on the Number of Gillnets for Day Gillnet Vessels
Limitation on the Number of Hooks
Prohibition on a vessel's hauling another Vessel's gillnet gear (Community Fixed Gear)
Length and horsepower restrictions of the DAS Leasing Program.
GOM Sink Gillnet Mesh Exemption
Prohibition on Discarding Legal Sized Regulated Fish (not all specify unmarketable)
Access to the GOM Haddock Sink Gillnet Program in May (continuation of exemption from minimum mesh size to target haddock).
Daily catch reporting by Sector Managers for Sector vessels that fish in the Closed Area I Hook Gear Haddock Special Access Program
Gear Requirements in the US/CA Management Area
Requirement to maintain VMS powered while at dock
Dockside monitoring requirements for vessels fishing west of 72-30'+
DSM requirements for Handgear A-permitted Sector Vessels
DSM Requirements for monkfish trips in the monkfish Southern Fishery Management Area (SFMA)
Novel 2012 Exemptions For Consideration
Seasonal Restrictions for the Eastern US/CA Haddock SAP
Seasonal Restrictions for the CA II YT/Haddock SAP
Prohibition on fishing inside and outside the CA I Hook Gear Haddock SAP while on the same trip
Maximum ACE Carryover Restriction
Holdback of 20% of ACE for 60 days if the sector has not reported that it has exceeded any of its ACEs
Access to April GOM Rolling Closure
Exemption from the 6.5-inch min mesh size requirement, allowing trawl vessels to utilize 6-inch mesh size for targeted redfish trips
Minimum size restrictions to land headed and gutted haddock
Prohibition on a vessel hauling another vessel's hook gear
Requirement to declare intent to fish in the Eastern US/CA SAP and CA II YT/haddock SAP from the dock
ASM for trips targeting dogfish
At-Sea monitoring requirements for hook-only or handgear vessels in the Sector

Exemptions Requested in FY 2012 Operations Plans
At-Sea monitoring requirements for extra-large mesh gillnet vessels in the Sector
At-Sea monitoring requirements for sector vessels in exchange for using FY 2010 and 2011 ASM data
Determination That Requesting and Receiving an ASM would invalidate the Requirement that At-Sea Monitoring Coverage be "Random"
Prohibited Exemptions
Extrapolation of weight of discarded fish pieces across discard strata
Year Round Access to Eastern US/CA Area (for trawl vessels)
Prohibition on using electronic video monitoring
Cashes Ledge year-round closed area (including Fippennies Ledge)
Closed Area I year-round closed area
Closed Area II year-round closed area
Western GOM year-round closed area
All hail requirements
Disapproved FY 2010 and 2011 Exemptions Requests
Exemption from the Minimum Fish Size Restrictions, opting for 100% retention
Minimum size restrictions for vessels to land yellowtail flounder that is 12 inches (30.5 cm) or larger
Administrative Exemption
Requirement to submit weekly catch reports when the sector is reporting daily.
Access to May GOM rolling closures (including modified request to use only trawl gear)
Access June GOM rolling closures
Prohibition on Pair Trawling (including modified request for October-May only)
Exemption from the minimum hook size for demersal longline
Exemption from the 6.5-inch min mesh size requirement, allowing trawl vessels to utilize 5-inch mesh size for targeted redfish trips
The requirement to provide a sector roster by deadline