

New England Fishery Management Council Groundfish Oversight Committee

Meeting Summary

November 2, 2011

The Groundfish Oversight Committee (Committee) met in Plymouth, MA to discuss several adjustments to the Northeast Multispecies Fishery Management Plan (FMP). The committee discussed Framework 47 to the FMP, reviewed the status of the development of accountability measures for GOM haddock in the recreational fishery, considered Council priorities for 2012, and considered other business. Committee members present were Mr. Terry Stockwell (Chair), Mr. Tom Dempsey (Vice-Chair), Mr. Erling Berg, Mr. Frank Blount, Mr. Rip Cunningham, Mr. David Goethel, Mr. Howard King, Ms. Sally McGee, Ms. Sue Murphy, Mr. James Odlin, Dr. David Pierce, Mr. David Preble, and Ms. Laura Ramsden. They were supported by staff members Ms. Deirdre Boelke, Ms. Anne Hawkins, and Mr. Tom Nies (NEFMC), Mr. Mark Grant, Ms. Sarah Heil, and Ms. Melissa Vasquez (NMFS NERO), and Mr. Gene Martin (NOAA General Counsel).

Discussions were guided by a PDT report dated October 27, 2011, draft Framework 47 measures, a summary of FY 2010 recreational fishery GOM cod and GOM haddock catches, draft Council priorities for consideration at the November Council meeting, and a worksheet of preliminary issues from the sector review workshop.

Groundfish Advisory Panel (AP) Report

Mr. Bill Gerencer, AP Chair, provided the committee with an overview of the discussion from the AP meeting on November 1, 2011. A full written summary of that meeting will be provided separately.

Recreational Advisory Panel (RAP) Report

Mr. Barry Gibson, RAP Chair, provided the committee with an overview of the discussion from the AP meeting on November 1, 2011. A full written summary of that meeting will be provided separately.

Recreational Fishery Accountability Measures for GOM Haddock

Ms. Murphy informed the committee that that the recreational fishery exceeded its sub-ACL and was required to implement accountability measures (AMs) in the beginning of 2012. Amendment 16 stipulated that if this were to occur, the Regional Administrator would consult with the Council, and then develop measures necessary to prevent the sub-ACL from being exceeded in future years. Once implemented, the AM would remain in effect through the end of the fishing year and could be carried over into the next fishing year until it was changed.

The Council Chair pointed out that the RAP did not have much discussion about seasonal closures, and asked if there was PDT analysis of this. Staff answered that analysis of these options is being conducted by NERO, not the PDT, and the current analysis that is available is only what was conducted in Amendment 16.

Motion: The Committee recommends that of the three measures possible as recreational AMs, the NMFS should consider a bag limit first, minimum size second, and closed season last. (Mr. Goethel/Mr. Berg)

The maker of the motion stated that the recreational advisors had unanimous disapproval of a seasonal closure, and that most haddock die when thrown back, so raising the minimum size would only increase discard mortality. He felt that a bag limit was therefore the only acceptable alternative, and clarified that this was meant to apply to both private and party/charter operators.

Some committee members argued for a provision that would remove restrictions for the remainder of the year if it were to be determined that the GOM haddock recreational sub-ACL cannot be exceeded in FY 2011. Others stated that it was difficult to support this motion with knowing what the bag limit would be. The committee clarified that this was meant to be a prioritized list and that if the limits would be so low as to be impractical, other measures should be considered. They agreed that it was difficult to make a concrete suggestion in the absence of analysis of the different options.

Ms. Murphy stated that there was no flexibility that would allow the AM not to be implemented if the overall ACL was not caught for this stock, and that the ability to do so would need to be authorized in an amendment to the FMP.

The motion **carried** on a show of hands (9-0-2).

Framework 47 Measures

The committee reviewed the draft Framework 47 document in order to select preferred alternatives for Council action. Council staff informed the committee that serious concerns existed whether the document would be complete in time for a final Council vote in November. There could be several impacts associated with a delayed vote and delayed implementation, including that the 2012 fishing year would begin without ABCs and ACLs reflecting the most recent assessments and without U.S./Canada TACs. There would also be uncertainty associated with the ongoing lawsuit on accountability measures, and there would be no revisions to the scallop fishery sub-ACL provisions, which could affect the scallop access program.

A committee member asked if any of these consequences would be fodder for lawsuits, and Council staff responded that the AM issue may be problematic. NOAA GC staff added that lawsuits were possible at any time, but it was outside the time limit for a challenge on the way an AM should be implemented.

3.1.1 Status Determination Criteria for WFL and GOM Cod

Council staff clarified that this section does not revise rebuilding programs, but merely sets fishing mortality limits and biomass targets. The plan for GOM cod in this framework is to analyze a wide range of possible ABCs and ACLs so that when the assessment is completed the SSC can recommend an ABC and have the Council approve it in January for a proposed rule to be in place by May 1st.

Motion: The Committee recommends the Council adopt Option 2 as the preferred alternative for Status Determination Criteria (section 3.1.1) (Mr. Odlin/Mr. Preble).

Committee members stated that Option 2 was now the best available science, so it should be used. One asked whether there was confidence that the outcome of the GOM cod assessment for F_{msy} and msy would actually fall within the range in the document, and Council staff responded that it was likely.

The motion **carried** on a show of hands (11-0-0).

3.1.2 Revised GB Yellowtail Flounder Rebuilding Strategy

Motion: The Committee recommends the Council choose Option 2 sub-option B as the preferred alternative for GB YTF rebuilding (section 3.1.2). (Mr. Preble/Ms. Ramsden).

Council staff explained that the analysis suggested minor differences in allowable catch and predicted revenue in the first few years of the rebuilding plan between sub-options A and B. Committee members argued that the \$11 million difference in revenues over the time period for rebuilding was substantial, and that this sub-option would give more options from year to year. Some stated that this way of managing was preferred because it was developed to target an increase in spawning stock biomass each year rather than simply setting an arbitrary end date. One committee member stated that assessments needed to be improved for this stock, since there was something about the biology or life history that was poorly understood. Council staff clarified that rebuilding strategies were defined based on the end date and probability of success.

Public comment included:

- Vito Giacalone, Northeast Seafood Coalition: We support the motion, but how does this work operationally? Would there be a management action each year to target the increase? In the early years, what would happen if we missed the 10% increase, would we compound need to reduce, or go 3-4 years before we look for the 10% average? If the former, I foresee the same knee-jerk reactions we are getting now

Council staff explained that the goal would be the target date and not the annual increase. The fishing mortality rate would be recalculated every year, but the changes would be spread over the rebuilding period, and if rebuilding fell behind schedule the required changes could be greater as the end of the rebuilding period was approached, as is the case now.

Ms. Murphy reiterated that the Council was still bound by the Magnuson Act, which requires rebuilding as quickly as possible. Therefore, if an end date of 2032 is selected, it would be necessary to justify the reasons.

The maker of the motion clarified that the intent of the motion was that the rebuilding strategy was based on the premise that the stock size would increase by 10% annually on average over the time period for rebuilding each year, not that it will increase by that amount each year.

The motion **carried** on a show of hands (9-0-2).

3.1.3 Identification of Additional Sub-ACLs

Council staff noted that the scallop fishery catch has been revised, and it did not exceed its sub-ACL of SNE/MAB windowpane flounder in FY 2010, although its catch of the stock was still higher than in recent years. The PDT felt that the best time period for data on catches was 2001-

2010, since changes to twine top regulations during the period 1999-2004 reducing catches of flounders. By 2001, ten-inch twine tops were required in all access areas. The overall ACL for the stock was still exceeded.

Committee members asked whether analysis of this option could delay implementation of the framework. Council staff responded that it was possible, because the PDT was still waiting for information on what the “other sub-components” for the ACL were. They were expecting confirmation that this stock was rebuilt in the near future.

Ms. Murphy stated that they would have liked to have the final catch data for this meeting, but it was not yet available, and that it should be available before the Council meeting.

Motion: The Committee recommends the Council address Option 2/SNEMA windowpane flounder sub-ACLs (section 3.1.3) in the next groundfish action. (Mr. Odlin/Mr. Preble).

Public comment included:

- Drew Minkiewicz, Fisheries Survival Fund: We strongly support this motion. At the current fishing levels, are we over the OFL? If we do not know who caught that component, how was observer data extrapolated? When we had errors in YTF calculations, it helped to stratify trips to the north and south since you do not encounter it at the same rate across the area. It is very concerning that the windowpane number went all the way up to RA with no internal checks. It was a very basic mistake. Why is this species called windowpane in the management process, but using observers are using colloquial language?

Council staff responded that at the current levels, the 2012 OFL would not have been exceeded. In 2010, the catch was over the OFL. The discard rate can be calculated for any combination of gear and mesh size, but it difficult to calculate at a fishery level.

The motion **carried** on a show of hands (10-0-1).

Public comment included:

- Drew Minkiewicz: It makes no sense to allocate a sub-ACL for SNE winter flounder when there is no problem. Why create more regulations, another something to monitor, and another potential source of error, when there is no problem here?

Council staff noted that this could hold up the timely implementation of Framework 47, but that it might be possible to piece something together with scallop staff.

Motion: The Committee recommends the SNE/MA winter flounder sub-ACL in the scallop fishery be delayed until the next groundfish action (option 3, section 3.1.3). (Mr. Odlin/Mr. Preble).

Committee members stated that the largest catch in this fishery comes from state waters, and the Council has no control over that. The committee recommended notifying the states that they should do something to deal with the state waters fisheries if the ACL is approached. They felt that it was not an issue at this point since the ACL was not being reached, but that it could be in the future.

The motion **carried** on a show of hands (10-0-1).

3.1.4 U.S./Canada Resource Sharing Understanding TACs

Motion: The Committee recommends the Council adopt option 2 for U.S./Canada TACs (section 3.1.4). (Ms. Ramsden/Mr. Dempsey).

The motion **carried** on a show of hands (11-0-0).

3.1.5 Mixed Stock Exception for SNE/MAB Windowpane Flounder

Council staff informed the committee that the mixed-stock exception has not been invoked by any council, and that the requirements for it are stringent. It was felt that this was a groundbreaking issue and that it was important to get strong analysis and wording. Committee members agreed that it needed to be done thoroughly and correctly.

Motion: The Committee recommends the Council remove section 3.1.5 from FW 47 and consider the Mixed Stock Exception for SNE/MAB windowpane flounder in the next groundfish action. (Mr. Dempsey/Ms. McGee)

The motion **carried** on a show of hands (9-1-0).

3.1.6 Administration of Scallop Fishery Sub-ACLs

Public comment included:

- Drew Minkiewicz: FSF supports Options 2 and 3. We understand the intent behind the AP's modification of the 50%. This is obviously not something we advocate, but we understand it and hopefully it will not be an issue anyway.
- Maggie Raymond, Associated Fisheries of Maine: We do support both Options 2 and 3 and with respect to the recommendation for modification made by the AP, the language was "if exceeded by 50% or more".

Motion as perfected: The Committee recommends the Council adopt Options 2 and 3 as preferred alternatives in section 3.1.6; and to include the GAP suggestion for adding an additional criterion for the trigger (the AM is triggered if the scallop fishery sub-ACL is exceeded by 50 percent or more). (Mr. Goethel/Mr. King)

Committee members spoke in favor of merging the two options, to perform an in-season re-estimation to ensure that the problem with yellowtail flounder was not repeated, and that if there was an overage, Option 2 could cover it. The motion did not incorporate the change suggested by the GAP because they were not sure what could be analyzed with only one year of information. Staff noted that analysis would be mostly qualitative.

- Ron Smolowitz: I have concerns about putting this in because of the newness of the system. Is the overage determined by projections? There is a lot of uncertainty. In Option 2, if the ACL is not exceeded, there is no harm done. Adding the 50% factor does not create incentives one way or the other – it only creates more risk.

The motion **carried** on a show of hands (9-0-1).

3.1.7 Annual Catch Limit Specifications

Staff reviewed proposed changes to the distribution of ABCs. Committee members were concerned about the impact of state waters catches on the federal fishery.

Motion: The Committee recommends the Council write a letter to the states and ASMFC asking for their cooperation on coordinating management of fisheries that are managed by the Council. (Mr. Preble/Mr. Goethel)

NOAA GC staff cautioned that such a letter should be written in a way that would not be perceived as lobbying. It could remind them of their obligations under §306 of Magnuson for fisheries that are predominantly federal fisheries. If states have failed to act in a way consistent with a federal FMP, then the federal government has the ability to preempt and make them comply. The maker of the motion clarified the intent that this should not specifically mention winter flounder and the tone should be non-threatening, but simply ask for cooperation in a friendly tone. State directors noted that if the letter was too vague, it would have limited effect. They also felt that references to preemption would not be received well, since they had already indicated a desire to cooperate. The winter flounder board meeting of ASMFC was occurring the following week, and one point of discussion should be whether the board should evolve into a groundfish board to discuss interactions with state waters fisheries. A committee member stated that a MA DMF employee would make a presentation at the November Council meeting about state waters fisheries and how they affect the Council.

The motion **carried** on a show of hands (10-0-0).

Motion: The Committee recommends the Council adopt Option 2 (section 3.1.7) for revised ACL specifications as a preferred alternative. (Mr. Odlin/Mr. Preble)

Public comment included:

- Vito Giacalone: I am looking for clarification on SNE winter flounder. Would the ABC come out of the assumed catch that would occur, since there is no allocation? We are filling in the gap from the recreational fishery. We do not allocate it, but something in the amendment says when and if there is a catchable TAC, we would use same PSC calculations in the amendment. Does the SSC need to recalculate the ABC based on the new recreational estimate and full commercial discard estimate?

Council staff answered no to both questions. The ABC is based on the average realized F for 2009 and 2010, and does not consider where fish came from. The value that would trigger the AM would be the total ACL in the far right column of the table in this section.

The motion **carried** on a show of hands (10-0-0).

3.2.1 Management Measures for SNE/MA Winter Flounder

A committee member stated that he would like to hear sectors' perspectives before voting on this, as he did not want to constrain sectors.

Public comment included:

- Aaron Dority: I talked to a fisherman who was concerned that zero retention encourages more discards. He wanted an allocation. The basic concept was a transitional strategy from something with zero retention to getting something to sectors.
- Jackie Odell: Some of our members are the ones who brought up this measure over the last year. Sector V was interested in this. That was prior to seeing what the final ABCs and ACLs were, based on the understanding that there would be at least twice the amount of fish in the system, and now there is less. There is still the problem of no fishery-dependent data. Advisors recommended that for the fish that is available, sectors submit proposals to work with scientists to gather data.
- Maggie Raymond: We have boats that fish in that stock area and were initially interested in having an allocation. For the reasons Ms. Odell mentioned, we also changed our opinion. We support the status quo at this time, and the AP motion made by Chris Brown with respect to opting in or out of an allocation, but recognize that cannot be accomplished in this action.

A committee member stated that he would only support Option 2 under the conditions that the ACE numbers were higher than other species that have zero retention and if the allocation encourages conservation and fishery-dependent data was needed.

Motion: The Committee recommends the Council adopt Option 1/No Action for SNE/MA winter flounder management measures (section 3.2.1). (Mr. Preble/Dr. Pierce)

Council staff noted that under No Action, the committee would need to think about what to do for AMs for the SNE/MA winter flounder stock. NOAA GC staff stated that when the agency partially approved Amendment 16, they sent a letter saying the no-possession stocks without specific sector allocations needed to be looked at to make sure there were effective AMs that complied with the Magnuson Stevens Act. A committee member stated that the current system of zero retention appeared to be working for keeping catch below the ACL, and several stated that allocating this stock would cause discards to increase.

The motion **carried** on a show of hands (9-0-1).

3.2.2 Scallop Catch of YTF in GB Access Areas

Motion: The Committee recommends the Council choose Option 2, section 3.2.2, as the preferred alternative (eliminate cap on yellowtail flounder caught in the GB access areas). (Mr. Dempsey/Mr. Odlin)

Public comment included:

- Drew Minkiewicz: We strongly support Option 2. The 10% is a vestige from the pre-ACL days. This creates a derby fishery in these access areas because it is a hard cap. It leads to crowded fishing in the access areas, and frustrates bycatch reduction. Removing the cap takes that away and maintains the overall ACL on yellowtail.

The motion **carried** on a show of hands (9-0-1).

3.2.3 Atlantic Wolffish Landing Limit

Motion: The Committee recommends the Council adopt Option 1/No Action as the preferred alternative for Atlantic wolffish landing limits (section 3.2.3). (Mr. Odlin/Ms. McGee)

A committee member stated that it was difficult to know how to improve the current system, since fish were being released alive. Some members expressed frustration that the management was partially based on information that showed a large fraction of trawl-caught fish surviving, while the assessment uses different assumptions. It also includes fisheries for which no experimental data is available.

Public comment included:

- Ed Snell, Commercial Jig Fisherman (Portland, ME): Wolffish do not lend themselves to delicate unhooking. Maybe I catch one a day and would feel a lot more comfortable dealing with them dead than alive. I strongly support a one fish per day limit, especially for hook gear boats.
- Bill Chaprales, Commercial Fisherman: I don't think there have been any studies on wolffish. Hook fishermen catch a lot of live cod. We throw back 21-inch cod and they are counted as dead. We have done studies with CCCHFA showing 95% survivability of cod. Something is wrong with the science here and we have to look at it.

A committee member described a study in Newfoundland that showed high survivability of discarded wolffish.

The motion **carried** on a show of hands (9-0-1).

Motion: The Committee requests the Council send a letter to the NEFSC asking for a detailed discussion of the issues surrounding the discard mortality of Atlantic wolffish. (Mr. Goethel/Mr. Preble)

The maker of the motion clarified that the intent was to keep this letter specific to wolffish, even though there were other stocks that should also be considered. The intent was to have a detailed discussion on the topic, such as having people from NEFSC come to the Council to talk about discard mortality with the latest information and the rationale for why they assume 100% mortality.

Public comment included:

- Ed Snell: One fish per trip is not enough to make a huge difference either way in terms of impacting the fishery as a whole. I would ask the committee to reconsider the one fish rule.
- Ron Smolowitz: I know wolffish is important, but overall the more important species with this issue is winter flounder. It would have a greater impact across the fleets.

The motion **carried** on a show of hands (9-0-1).

3.2.4 Common Pool Restricted Gear Areas

Motion: The Committee recommends the Council select Option 2 as the preferred alternative for common pool restricted gear areas (section 3.2.4). (Mr. Odlin/Mr. Dempsey)

A committee member asked what type of habitat analysis would be included, and Council staff responded that these areas did not provide a huge reduction in effort.

Public comment included:

- Bill Chaprales, Northeast Coastal Communities Sector: Off Chatham there is a huge tie-down net gillnet fishery. For years they have been basically targeting lobsters. We went to DMF and asked for a restriction on the bag limit of those live lobsters. That is one use of tie-down nets.

The motion **carried** on a show of hands (7-2-1).

3.2.5 Accountability Measures

Motion: The Committee recommends the Council adopt sub-option 2 as the preferred alternative for timing of revised AMs (section 3.2.5). (Mr. Goethel/Mr. Dempsey)

A committee member stated that it was necessary to get into the habit of using final numbers instead of projections. Ms. Murphy stated that she was initially hesitant to support this, since it is difficult to obtain year-end landings early on for several of the sub-components. The guidelines caution that uncertainty must be factored if this is done in the following season. Another member stated that it was important to have time to root out problems with data before an AM passes, instead of risking tremendous hardship for a misreporting.

The motion **carried** on a show of hands (10-0-0).

Motion: The Committee recommends the Council adopt Option 2, section 3.2.5, as a preferred alternative for ocean pout and windowpane flounder accountability measures. (Mr. Dempsey/Mr. Odlin)

Council staff clarified in response to committee questions that this AM would be proportional to the overage.

The motion **carried** on a show of hands (10-0-0).

Motion: The Committee recommends the Council adopt as a preferred alternative area based accountability measures for Atlantic halibut, Option 2 sub-Option b, section 3.2.5. (Mr. Odlin/Mr. Preble).

A committee member expressed concern about the impacts of closures, given how little information is available on spatial distributions and interactions, and felt that zero possession may be the best option.

The motion was **withdrawn** due to an error.

Motion: The Committee recommends the Council adopt as a preferred alternative for Atlantic halibut the no possession AM, Option 1 sub-Option b, section 3.2.5. (Mr. Dempsey/Mr. Odlin)

A committee member stated that this is a very hearty fish, and that the fishery could not afford huge area closures when the fish could simply be let go and continue to breed.

Public comment included:

- Ed Snell: I would like to request an exemption for sector vessels from the one-fish limit in exchange for the ME state limit of 25 fish/year. The Northeast Coastal Communities Sector requested an exemption which was denied for fear of excess mortality. It would actually create higher mortality because I am releasing fish that could be released dead, whereas if there was an annual limit it goes more with the catch share system you have been moving toward.
- Aaron Dority: How does the total groundfish catch in 2010 compare to the 2012 OFL level?

A committee member stated that the areas were probably too specific to deal with an overage, since this species moves quite a bit. He was uncomfortable with the areas so thought the option with no possession made more sense. Another member expressed concern that catch could be prohibited by the recreational fleet, since this is a trophy fish and there was little data on it.

Motion to amend: The AM applies to commercial vessels only. (Mr. Blount/Mr. Preble)

A committee member asked what would happen with the recreational fleet, and Council staff clarified that they would be considered part of the other sub-component if no specific allocation was made. NMFS staff did not have recreational estimates available and did not know how they were incorporated into the assessment, but offered to get that information.

Public comment included:

- Aaron Dority: is there a possibility of having a zero possession limit as an AM? So to allow a one fish trip limit if it goes past last year's catch, then go to zero?

The motion to amend **carried** on a show of hands (10-0-0).

Motion: The Committee recommends the Council adopt as a preferred alternative for Atlantic halibut the no possession AM, Option 1 sub-Option b, section 3.2.5. This AM applies to commercial vessels only.

The main motion, as amended, **carried** on a show of hands (9-0-1).

Ms. Murphy noted that the zero possession limit was one of the criteria that led NMFS not to give this stock an endangered species listing. A committee member felt that allowing possession of one fish just so that there could be an AM to go back to zero defied logic, and that it was more effective to be proactive in maintaining zero possession.

Public comment included:

- Drew Minkiewicz: I have every confidence this will work because it has worked. There is no evidence this will fail. There is also no legal requirement to go above and beyond here – you are meeting the requirements of the law with the zero possession by creating a proactive AM.

A committee member had reservations about the definition of “catch”, arguing that it should not be considered catch if it was not killed.

Motion: The Committee recommends the Council adopt as a preferred alternative Option 1, proactive AM of no possession for Atlantic wolffish (section 3.2.5). (Mr. Dempsey/Dr. Pierce)

The motion **carried** on a show of hands (7-0-1).

Other Framework Issues

Council staff brought up two GAP recommendations. The first, to establish a research set-aside, was considered to require an amendment and so was not considered at this time. The second was to include in Framework 47 an option that would make every exemption that a sector had approved be considered a universal exemption. Council staff noted that including this in the framework may slow implementation unless the NMFS had already analyzed the exemptions in a way that could be copied into the framework. Ms. Murphy stated that every time an exemption had been approved, it was approved again the following year. Because of this, she did not feel it was necessary to have them included as universal exemptions. A committee member summarized that the intent of the GAP was to streamline the process and relieve sectors of busy work.

Motion: To include the list of approved sector exemptions in FW 47 if the staff can determine that they can be included without delaying FW 47. (Mr. Odlin/Mr. Dempsey)

A committee member stated that in light of what was anticipated in the GOM cod assessment, some of the exemptions may no longer be appropriate, so it may not be desirable to consider them universal at this time. Ms. Murphy noted that the sectors have already requested their exemptions for FY 2012, which are currently being considered. They would not benefit from this motion until next year, and the list of proposed exemptions was long, so it may be preferable to include this in the sector framework action.

Public comment included:

- Maggie Raymond: I urge the committee to support this motion. These basically are the same exemptions that have been approved 3 years in a row. It creates a lot of paperwork and waste of resources. I do not recall that the Council has ever commented on the proposed rules.

Motion to delay: to postpone action on this motion until after we receive results of the GOM cod assessment. (Dr. Pierce/Ms. McGee)

The motion to table was ruled **out of order** by the Chair.

Motion: to include the list of approved sector exemptions in FW 4 if the staff can determine that they can be included without delaying FW 47. (Mr. Odlin/Mr. Dempsey)

The motion **failed** on a show of hands (1-4-2).

Council Priorities for 2012

A committee member stated that an action to eliminate all or part of the mortality closures, and to finish the habitat omnibus amendment, should be at the top of the list since it would increase opportunity fleet-wide, protect the small boat fishery, and have a large effect on promoting fleet diversity. Other members expressed support for the draft priorities document in the order in which the actions were listed.

Motion: The Committee recommends the Council adopt groundfish management priorities in the order described in the October 4, 2011 list of management priorities for 2012. (Dr. Pierce/Mr. Goethel)

One committee member stated that the accumulation limits action was the most important, since it was already initiated and especially if the GOM cod assessment proves to require major reductions in catch. Other members felt that it should not be a large priority, and cited a lack of clear evidence that large consolidation was occurring. Yet other members felt that data from the staff white paper and ownership data showed excessive shares in the fishery.

Motion to substitute: To change the groundfish priorities to the following order:

Order	Priority (original list number in parentheses)
1	Prepare framework to respond to new assessment information for 9 stocks (4)
2	Prepare framework action to adjust sector rules based on lessons learned from Oct 2011 Sector Workshop, including determination of OY is not being caught and the development of measures to attempt to achieve OY, and review 10 percent quota rollover provision in response to RA letter of June 20, 2011.(3)
3	Prepare framework to establish LAGC ACLs and AMs for YT under the Groundfish FMP. Coordinate with Scallop Cte and PDT. (6)
5	Potential action to address Groundfish sector monitoring requirements resulting from Oceana lawsuit. (5)
6	Coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas. (2)
7	Continue Amendment 18 to consider fleet diversity and accumulation caps. (1)

(Mr. Odlin/Mr. Dempsey)

A committee member stated her view that monitoring issues must be included in the top priorities, and others echoed that sentiment and supported the motion to substitute only if it was clear that monitoring issues would be included in the sector framework. Others stated that actions in response to the GOM cod assessment, if in fact it showed poor stock status, would be critical. Many agreed that implementing new specifications after the revised assessments in the spring was an absolute necessity.

Public comment included:

- Aaron Dority: It will be important to pare down the list, but what makes the cut is the most important. I am on the GAP but do not support the order of the AP list, and many members also did not. Monitoring is obviously a critical issue. We were lucky to get the requirement to pay for it pushed off by a year, but it does need to be solved and is a problem for small boats in the fishery. Amendment 18 needs to be followed through with. We have made a lot of progress on it. It does not make sense to say we will move forward and take all those steps, then do an about-face on it. I would suggest that be explicitly mentioned – that we have a number of scoping meetings to get the public to weigh in, and ensure the Council has the opportunity to prioritize those recommendations, whatever they are. The reports I saw did seem to show concern about consolidation. I also think ecosystem based management is a priority. It does not need to be on this list, but on the overall Council priorities.
- Bill Chaprales: I have been a small boat fisherman my whole life, and am a founding member of CCCHFA. The least effective fisheries are taking big hits – first the hook, now gillnet fisheries. A lot of my friends without enough quota are selling out. This fishery has been managed wrong from the start. You cannot have all three gear types fishing in the same area. In the winter I am on GB with my four electric rods and reels catching groundfish. This is the last stand. Large boats have come inshore since the allocations, and small boat guys are going out of business. Nobody really thought about the socioeconomic impact on the coastal communities. They are huge. From Sandwich to Scituate, there are only 4 or 5 of us who go out as a small-time business and go groundfishing. Everyone is sick of meetings and dealing with this. Congressmen are concerned about this, holding meetings, and listening. They are concerned about protecting the small boat fleet. CCCHFA are leasing hook-caught fish to draggers. Nothing is working. We need fleet diversity, we need caps, and we need some sort of long-range plan to keep the infrastructure going in those coastal communities.
- Jud Crawford, Pew Environment Group: I do not support the substitute motion. I support the main motion with the sequence from the October 4th list. Amendment 18 should continue to be a high priority for reasons others have spoken to. I also think it is important that work on the habitat omnibus be kept as a high priority. Take a careful holistic look at the habitat areas and closed areas together. The right kind of analysis has not been done of the groundfish closed areas to see what they have been doing for the fisheries and ecosystem of the region.
- Brett Tolley, NAMA: We do not support this motion, and strongly support Amendment 18 on fleet diversity as a priority for the next year. Mr. Chaprales embodies the frustrations we have heard from small-scale fishermen. We would like the ability for them to flesh out some of these ideas, especially in light of potentially low TACs this year and potential rapid consolidation, We are afraid those voices will become fewer.
- Ed Snell: If I owned a boat with a lot of quota, I would argue the opposite side too. I support fast-tracking Amendment 18. Small boats translate to more opportunity for more people. This is extra relevant in tough economic times. Mortality closures need to be opened on a very limited basis to very limited gear restrictions. You will find more spawning areas in the western GOM area than you think. I also agree with what Mr. Chaprales said
- Ed Barrett, President, Sector X: I think Amendment 18 should be the priority. Fleet diversity, new allocation options, and input controls are all going to be important items that will help the sectors that have been adversely affected by Amendment 16. Keep it at

- the top of the priority list. As far as the short-term goals of the GAP, we can survive without those being addressed, but not without larger questions being addressed first
- Maggie Raymond: The list of priorities the AP advanced was in priority order, and it was a unanimous vote. It is not possible to shove everything into one framework – certain items have to rise to the top. The specifications are a no-brainer. Nobody from the fishing organizations that come to you all the time has asked you to make Amendment 18 a priority. You have been asked by NAMA, and if you look at their September 30th letter, it is not a priority since they are asking you to hold off scoping hearings until January and February. Opening the closed areas alone will take many, many months. So will the monitoring discussion. You have to focus on things that are most important for the fleet to get accomplished in a short period of time, and that is why the advisors gave you that list in that order
 - Vito Giacalone: NEFS formed the 12 sectors exactly with respect to fleet diversity. There is a silent majority that is not being represented here. The guys that spoke have legitimate issues, but there are a lot of guys that are fishing as much as they can and really hurting. If we are talking about saving fleet diversity, and the resources Amendment 18 will take, a lot of guys are out there are trying to support 3, 4, or 5 man crews who are just trying to get enough quota to break even. 20% of the boats have always caught 80% of the fish. There are limited Council resources, and if we cannot rise to the top opening closed areas, affordable monitoring, and getting sector rules in place, we will not have anything left to talk about. We will lose the patient while we talk about something theoretical.

The motion to substitute **failed** on a show of hands (2-6).

Motion to substitute: to take the first four items from the October 4, 2011 list of priorities as the Groundfish Committee's priorities but not in any order. Item 3 to include addressing cost effective monitoring issues. (Mr. Goethel/Dr. Pierce)

A committee member stated that he would support the motion, with the caveat that it was not yet known what the “lessons learned” would be from the sector workshop to be included in the framework. NMFS staff stated that two short-term issues may need to be addressed: how to monitor sub-ACLs for the recreational fishery (whether with MRIP or MRFSS data), and that ACLs may need to be revised with updated MRIP data until benchmarks can be done that incorporate the data. A working group is looking at whether ACLs can be monitored with MRIP data even though they are based on MRFSS data.

The motion to substitute **carried** on a show of hands (8-0).

The main motion, as substituted, **carried** on a show of hands (7-1).

(The items referred to in the previous motion are:

- Continue Amendment 18 to consider fleet diversity and accumulation caps.
- Coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas.
- Prepare framework action to adjust sector rules based on lessons learned from Oct 2011 Sector Workshop, including determination of OY is not being caught and the development of measures to attempt to achieve OY, and review 10 percent quota rollover provision in response to RA letter of June 20, 2011.
- Prepare framework to respond to new assessment information for 9 stocks)

Motion as perfected: To recommend that the Council form a combined groundfish/habitat PDT and a combined AP for the purpose of the omnibus habitat amendment. Further development and completion of this portion of the amendment will be conducted by the full Council. The combined PDT and AP would provide technical support and advice to the whole Council. (Ms. McGee/Mr. Goethel)

The maker of the motion explained that this was an approach to getting the omnibus habitat amendment and potential changes to groundfish mortality closures done, because the amendment was very complexity. The idea was the have the Council act as a committee of the whole, receiving advice from the PDT formed solely for the purpose of doing this action.

The chair of the Habitat Committee felt that this motion was premature, and explained that he had met with the Council Chair and staff about this issue. The outcome of that meeting was a consensus that it would be desirable to have the groundfish PDT work on analyzing the groundfish closures, and this could be done in a few months at the beginning of the year assuming Framework 47 was completed on time. Some committee members stated that this large committee could be unwieldy, given the technical complexity of the needed information, and were concerned that there would be little opportunity for public input using this method. Several committee members recommended discussing this at the next Council meeting after the Habitat Committee report.

Public comment included:

- Maggie Raymond: I would like anyone who supports this motion to make a commitment to taking seriously the advice of your advisors since you just had a strong recommendation from your AP that you summarily ignored.
- Jud Crawford: I support the motion. I think it is very important that the work of the Groundfish Committee on the closed areas and the Habitat Committee on habitat areas be better integrated than it is now, rather than on separate tracks. You have people on the SSC who are working on research in the closed areas, who participated in the SASI review. The advice was that the SASI model should not be used as the basis for whether to open closed areas, and I am concerned that advice is being ignored.

The motion **carried** on a show of hands (5-2-1).

The meeting adjourned at 5:34 p.m.