

New England Fishery Management Council  
Recreational Advisory Panel  
Meeting Summary  
May 15, 2012

The Recreational Advisory Panel (RAP) met in Wakefield, MA to hear an overview of SARC 53 and the 2012 Groundfish Assessment updates, to discuss the availability of cod on Stellwagen Bank and Recreational sub-ACLs and AMs. RAP members present were Mr. Barry Gibson (Chair), Mr. Rick Bellavance, Mr. Tom DePersia, Mr. Peter Gawne, Mr. Eric Hromada, Ms. Emily Litsinger, Capt. Patrick Paquette, Mr. Mike Plaia, Mr. Mike Sosik, Jr., Mr. Jonathan Sterritt, Mr. Don Swanson, and Mr. Kevin Twombly. They were supported by staff members Mr. Tom Nies (NEFMC).

Discussions were guided by a summary of the stock assessments from SARC 53 and the 2012 Groundfish Assessment Updates and a series of correspondence received by the New England Fishery Management Council.

### **Overview of SARC 53 and the 2012 Groundfish Assessment Updates**

Mr. Tom Nies of the New England Fishery Management Council (NEFMC) presented a summary of the updated stock assessments with the emphasis on Gulf of Maine (GOM) cod. The updated assessments have caused a drastic shift in perception of the status of GOM cod. The projected allocations of cod and haddock suggest a dramatic decline is necessary; however, final numbers are currently unavailable. A benchmark assessment was requested for December 2012 for GOM cod. The members were hesitant to discuss measures to reduce catch until a better estimate of the necessary reduction is available because of the uncertainty that the drafted measures would meet the goal.

### **Availability of cod on Stellwagen Bank**

A number of the RAP members expressed concern for the apparent localized depletion of cod on Stellwagen Bank. A number of members gave an anecdotal account of numerous draggers appearing on Stellwagen Bank since the implementation of the catch share program. Some RAP members expressed frustration that the change in regulations removed trip limits (previously 800 lbs. of cod) from large boats fishing in the Gulf of Maine. They stated that recreational fishermen were finding it increasingly difficult to catch their bag limits and were increasingly relying on landing the minimum allowable size cod, at 19 inches. RAP members were interested in examining VMS data to detect if there has been a shift in the effort by the commercial fleet and if it was possible to quantify this.

The RAP discussed the benefit of time closures that excluded the commercial fleet from Stellwagen Bank during the month of April. Landings were thought to be improved during the exclusion but declined again when commercial boats returned on May 1. Recreational boats being forced to go further east to find cod and haddock was thought to be a safety concern.

Public comment strongly supported RAP observations. Some of the public comment included:

- Ralph Pratt, Charter Boat Captain and Commercial Sector Fisherman, (Canton, MA): I feel like the implementation of sectors has decimated our cod and haddock stock. This is causing charter and recreational vessels to venture further east. Previously under DAS, local and commercial fishermen were able to share these areas. Now it appears that the sacrifice of local and recreational guys has been in vain. I would like the RAP to do something to benefit from their sacrifices. Since I am a commercial guy I'd be willing to help based on my knowledge of sectors and new regulations.
- Peter Murphy, Charter Boat Captain (Scituate, MA): If there was a jury sitting here the evidence is clear that there's a main issue at stake here and the evidence is clear and I want to suggest that there's two folds here: economic and social loss. Basically the charter boats and associated economic revenues will be lost and out of business. They've lost days on the calendar and bag limits and a losing entity for some time to come. It appears to me that catch shares are somehow directly related if not responsible for what's going on right now. There has been a change in the 42' 20N numbers from what he guesses that the GOM stocks being part of the GB stocks. Setting up bag limits and a zone has already been suggested. Recreational anglers who can go out several times a week should be differentiated from the charter boats that take large groups out from all over and only fish once a year. The bag limit has cut them back.
- Dave Waldrip, Charter boat (Rockland, MA): The last 2 years were off the charts. All my previous years were good to great. After the recent increases some guys were looking to come back. I talked to one guy who had 30 anglers and in 10 hours caught 8 cod and 11 haddock. These people aren't going to want to come back. The word is out on the internet that fishing is bad up here. I haven't had a call in 2 weeks for groundfish charter. We've cultivated our relationships with our customers over the years. As Kevin said all the extra money for the hotels will dry up. Day and night the commercial boats are out there. They never had the hook boats out there before. What took years to rebuild to phenomenal fishing has been destroyed in 2 years by catch shares. He wants an Emergency Action that maybe includes trip limits. Something has to be done and the council has to understand that if there's an Emergency Action maybe it will help. If you open up some closed area that's where they go to find fish in June and if they open it, it will be full of gill netters and draggers
- Bruce Scucet (Gloucester, MA): I agree with what's been said already. It's really hard to find fish now. We were fishing one spot for a while last summer and 2 days the draggers took all the fish. Thankful for 19" limit because without that they would be bringing in 10-15 fish on a good day.
- Rich Flannery, Boat Owner and Mass Maritime Academy teacher (Bridgewater, MA): Me and my buddies are here to educate us about what's happening on Stellwagen. We can say we're scientists but until we're out there seeing the numbers that they are. I've seen 12" fish with mesh marks. I watched 4 boats that looked like they were pair trawling and fishing indiscriminately. As far as the loss of money goes, it's a trickledown effect but they need to stay on top of this because otherwise there will be no fish out here. They walk away with 9 – 12 fish. In mid-April we were catching some fish over 22" but after May 1 they were all gone. The only place I think they went was in the draggers' nets.
- Jeff DePersia, Charter Boat Fisherman (Marshfield, MA): There has been severe mismanagement of this fishery with sectors and bag limits. Stocks are severely depleted; there are some protected places off of Boston. There are smaller spots that are holding a

breeding population of fish that were protected until the draggers could come in and decimate them. I believe charter and head boats should have a different bag limit to recreational guys to support the industry.

- David Kraus, Charter Boat Fisherman (Humarock, MA): I agree with all the other captains. The spots we were fishing were good up to May 1. I'm annoyed the conversation is happening now when we all knew it was coming after the tuna season last year. Now we have all these draggers that go out and destroy all the habitat. All these elaborate formulas and science but it doesn't make sense that they're not using common sense. I'm worried about my future in this fishery.
- Michael Colleary, Charter Boat Fisherman (Bryantville, MA): Some guy told me that he was out on the water for over 10 hours and caught 2 cod. I didn't believe it. But I saw it myself; we struggled with 6 guys fishing to catch over 20 fish we could bring home.
- Tim Brooks: I attended these meetings in the 1990s and I'm hearing the same comments. Nothing has changed in 20 years. I have some suggestions that you may not want but based on the comments if the commercial guys are going to take all these fish then allocate the recreational guys some portion of it, e.g. a corner of the bank for maybe part of the seasons.
- Chuck DiStefano, Charter Boat Fisherman (Dedham, MA): I want to echo what everyone else is saying; it's devastating. It is the catch shares that are causing it because it changed the parameters. It makes sense for them to spend 3-5 days on the bank and then go in. If it doesn't change quick then we're out of business. My business is down about 70% on bag limits and I'm finding people don't pay me for my personality.
- Steven James, president of Boston Big Game Fishing Club (Marshfield, MA): The problem is localized depletion and being facilitated by large commercial trawlers. The first priority is to stop the hemorrhaging – we're bleeding out there. Nothing disturbs me more than watching council members involved in fisheries commenting on these and it's a clear conflict of interest. I want more recreational guys on the council to get a more balanced situation. The sector and catch shares have facilitated this problem of big boats on Stellwagen. The catch shares have damaged a section of the industry; they were not intended to impact on the charter and recreational guys but it's putting them out of business. It facilitated offshore boats with offshore quota to switch it and come inshore. The council sacrifices the interest of the charter and recreational boats for their own interests. It reeks of coercion and conflict of interests. They need to raise some questions about how the decision process is being made; I'm not hearing the recreational point of view at the council meetings. On a superficial level the suggestion that Rick made about closed areas might be a good idea but be careful it only took them a year to decimate the bank. The western GOM closed area is the last place fish can go to get away from a dragger and no one wants it to be decimated. These larger vessels that are allowed to trawl in one area and pull back in a different area is unacceptable. You caught your fish where you caught your fish and that's it. They need to stop that practice. The separation between recreational and charter fish, it's been proposed and I'm concerned when I hear this terminology. If you start to step away from recreational guys then they get a separate allocation – right now the charter boats have the recreational allotment to fall back on. If you separate them formally then it might get nasty real fast. If the bag limit falls below 9 fish then we may as well throw the towel in and go home because no one is going to travel for 4 fish. If that happens then find some disaster funding. With respect to the 90%

reduction that's been proposed, can you put your thumb on how much would you go with the 9 fish and 19"? We've only made 15-20% progress on the 90% reduction we needed to make. If we're down to 3 fish then we're done but you need to shut down the commercial fishing as well.

- Tony Scanlon, Charter Boat Fisherman (Lynn, MA): I do a little groundfishing and have never had any problems getting my limits. Last year was tough but doable. I didn't understand why the GOM closure was coming about and that comes back to the science about when the drags were made. Someone forgot to tell the draggers about the fish not being on Stellwagen Bank. Last tuna season I was seeing the draggers side by side coming up the west side. I didn't think they were catching all herring and whiting; they must have been catching cod. A few years ago we were worried that the Stellwagen Bank National Marine Sanctuary, combined with Jane Lubchenco, was going to shut us down. I think the sanctuary people will be screaming that the area is decimated but it's not the recreational guys.
- Ralph Pratt, Charter Boat Captain and Commercial Sector Fisherman, (Canton, MA): Would there be a way to block out an area of Stellwagen Bank and do an analysis of historic takings and comparing what was taken last year versus historically? I want to know what's been taken out of that small area.
- Dave Waldrip, Charter boat (Rockland, MA): I agree with Ralph but it depends on the accuracy of the data. I urge you to do a root cause analysis looking at the VTRs and VMS data to see if somebody is slowly moving and suddenly turns.

**Motion:** The RAP requests the Groundfish Committee and Council revisit commercial trip limits for GOM cod (800 lbs./DAS) and GB cod (2000 lbs./DAS) (Mr. DePersia/Mr. Swanson).

The RAP discussed the method of trip limits to control commercial fishing on Stellwagen Bank and its ability to increase discards. Alternative options included gear restrictions and zoning.

**Motion as perfected:** The RAP requests the Groundfish Committee and Council revisit commercial trip limits for GOM cod (800 lbs./das). (Mr. DePersia /Mr. Swanson)

Some comments from the public on the motion

- Maggie Raymond, Associated Fisheries of Maine, (South Berwick, ME): My understanding is that the council separated the Advisory Panel between recreational and commercial so commercial fishermen wouldn't be providing advice for recreational so it's not advisable for the recreational to be recommending commercial regulation. All the conversation that we've been hearing is about fishing on Stellwagen so why is there a GB cod limit in this motion? I can't believe that there's a discussion about a return to trip limits on commercial vessels. Why would you discard thousands of pounds to keep 800 lbs.? Move on to defining what you think is the problem and recommending that the groundfish committee find a way to do it.
- Dave Waldrip, Charter boat (Rockland, MA): I think this is a Mass Bay problem. The problem doesn't go to the Canadian border.

The motion as perfected **failed** on a show of hands (1-9-0).

The RAP discussed the potential ability to misreport fishing area by hauling back outside of Stellwagen Bank after fishing on it. Some analysis was done for the stock assessment that compared VMS and logbook data; the difference between the two was found to be minute. The RAP went on to consider some form of zoning to exclude larger draggers from Stellwagen Bank and an option to prevent vessels with no history in the area from fishing on the Bank.

**Motion as perfected:** The RAP requests the Groundfish Committee and Council consider some form of zoning to exclude larger draggers from Stellwagen Bank. (Mr. DePersia/Mr. Sterrit).

It was thought that more analysis should be done to determine what is affecting catch before making a request in order to reduce the chances of an unknown component from continuing the decline in cod.

**Motion as perfected:** Because of the observed devastation of groundfish, especially cod, on Stellwagen Bank, the RAP recommends that some type of emergency action be requested from NMFS. The RAP requests the Groundfish Committee and Council consider some form of zoning to exclude larger fishing vessels from Stellwagen Bank. (Mr. DePersia/Mr. Sterrit).

The motion was **withdrawn** without objection.

The RAP decided that it is primarily worried about the increased fishing pressure on Stellwagen Bank.

**Motion as perfected:** The RAP requests the Groundfish Committee and the Council to request emergency action be taken by NERO to address the localized depletion of groundfish within statistical area 514 (Mr. Plaia/Mr. Twombly).

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

By consensus, the RAP decided to request some data analysis of catch and effort data.

**Motion:** The RAP recommends that the Committee request that the PDT analyze commercial catch and effort data and look into the shift of effort on Statistical Area 514 over the past three fishing years. We would like to know specifically the impact on recreational catchability of GOM cod. This information should be available for the next RAP meeting. (Mr. Bellavance/Mr. Paquette).

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

### **Recreational sub-ACLs and AMs**

The RAP discussed the implementation of Accountability Measures (AMs) when the sub-Annual Catch Limit (ACL) was exceeded. Currently, if the Recreational sub-ACL is exceeded an AM is triggered resulting in a reduction in allocated fish the following year. There was some discussion

on whether an AM should be triggered if overfishing is not occurring. Overfishing occurs when the Overfishing Limit (OFL), which is higher than the ACL, is exceeded. Further analysis should be conducted before a revision is made; the retention of another tool in the toolbox may be important with lower ACLs on the horizon.

**Motion:** The RAP asks the Committee to explore revising the way the recreational ACL and AM are administered, consistent with the letter of “March 5, 2012 from the Recreational Fishing Alliance and the Associated Fishermen of Maine”. (Mr. DePersia/Mr. Sterrit).

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

In light of the potential for drastic reductions in ACL in FY2013, the idea of developing different measures for party/charter vessels and private anglers was discussed. There was some hesitation to treat the groups differently as some RAP members considered the two groups to be equivalent. The option for a fisherman to choose his/her grouping, if implemented, was discussed. It was recognized that the needs of each group may differ, e.g. charter boats might need a higher bag limit for profitability. The motion was written to examine conservation equivalency between the groups and not to benefit one over the other.

**Motion:** That the RAP will consider different proposals for conservation equivalent measures that differ between the private sector and the party/charter sector (Mr. Plaia/Mr. Bellavance).

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

Public comment on the motion included:

- Steven James, president of Boston Big Game Fishing Club (Marshfield, MA): Explore your options. You may well find that in order to sort this out the charter boats will fish in April and May and then shut down. It needs to be explored especially if a 9 fish bag is the threshold.
- Audience member: I did a calculation and charter boats contribute around \$30 million dollars, which is  $\frac{3}{4}$  of what the private boats earn overall and do it in fewer trips so they have less of an impact on habitat than private boats do.

The RAP decided that another meeting was necessary to complete the task of what measures should be implemented to reduce landings. It was agreed that some analysis should be completed to aid in this decision making process, e.g. bag limit reduction, minimum fish size increases and seasonal closures, to assess the overall impacts they will have on the industry.