

**New England Fishery Management Council
Groundfish Advisory Panel**

Meeting Summary
April 19, 2007

The Groundfish Advisory Panel (AP) met in Peabody, MA to review scoping comments received for Amendment 16. AP members present were Paul Parker (Chair), Vincent Balzano, Carl Bouchard, Bill Gerencer, Bob Lane, Jim Lovgren, Jackie Odell, Maggie Raymond, Geoff Smith, and John Williamson. Multispecies Committee Chair Rip Cunningham participated in the meeting and Council staff Tom Nies supported the meeting. The Chair asked the AP to spend about an hour on each subject on the agenda with the goal of providing the Multispecies Committee clear statements of the AP preferences. The AP briefly discussed a recent meeting held by the Gulf of Maine Research Institute and the Massachusetts Marine Fisheries Institute to discuss two Amendment 16 proposals; some members expressed concern over this parallel process. The AP also asked to meet a second time prior to the May 31 meeting of the Multispecies (Groundfish) Committee.

Cross-Cutting Issues

After staff provided a brief overview of the scoping process, the Committee discussed several issues that apply to all management proposals.

Reporting

The AP discussed the need for timelier reporting of catch information. While there is an interest in electronic Vessel Trip Reports (VTRs), some members felt the current VMS reporting – if extended to the entire fishery – would be sufficient. Land-based catch monitoring was also discussed, with the need to connect land-based and at-sea monitoring highlighted. One member noted that some states monitor quotas with simple telephone call-in systems, which might be a solution until a more comprehensive system can be implemented. The AP expressed considerable frustration with the slow progress in adopting modern technology to address the slowness of reporting.

The AP settled on the following problem statement and request:

Problem: The existing monitoring system for Groundfish management is inadequate to meet A16 needs as identified in scoping and Magnuson requirements.

Need: Improve existing monitoring system to provide:

- weekly reporting of catch and discards
- accurate assignment of catch and discard to harvest area.
- public access to catch, discard, DAS, or points usage by biological area.

The Groundfish Advisory Panel requests a report prepared by NMFS to assess performance of existing monitoring systems to meet projected A16 and M-S Act requirements, including a projection of budget, technology, and human resources necessary to meet the A16 timeline.

Overlap with Monkfish/Skate FMP

The AP discussed the inter-related nature of groundfish, monkfish, and skate management. Some members expressed concern that measures to rebuild monkfish and/or skates would impact the groundfish fishery and suggested that merging these fisheries into the groundfish FMP would provide more flexibility to deal with those concerns. Others noted that there are directed fisheries for these two species that should be addressed before there are impacts on the groundfish fishery.

AP members also noted that the monkfish plan is a joint plan with the Mid-Atlantic Fishery Management Council (MAFMC) and their concurrence would be required before the plans could be merged. The AP members expressed diverse opinions on whether the plans should be merged.

The AP also discussed the impact of these two plans on sectors. Since neither skates nor monkfish have sector provisions, groundfish sectors cannot get hard TACs for those species and must continue to use DAS controls. The AP considered making Amendment 16 a joint monkfish/groundfish action in order to add a provision that would allow sectors to get a hard TAC of monkfish.

The AP came to consensus on the following statement:

The AP recognizes the strong connection between groundfish catch and catches of monkfish and skates, as well as the problems this connection causes for effective management of all these resources. The AP does not support adding monkfish and skates to the groundfish FMP. The AP does support making Amendment 16 a joint monkfish/skate amendment. Half the AP believes it is important for allowing groundfish sectors to be allocated a percentage of the monkfish and skate TACs.

Point System

Mr. Vito Giacalone, Northeast Seafood Coalition, provided an overview of the point system. AP members asked a number of questions, summarized below, with Mr. Giacalone's replies in italics.

- Why is vessel size an element of the baseline point allocation? Why should a large vessel that did not catch much groundfish get more points than a smaller vessel that caught a lot of groundfish? *The vessel size part of the formula takes into account fishing capacity. This is similar to the treatment of different-sized vessels in various permit buyback programs and the recent draft industry buyout.*
- There seems to be a risk of a derby fishery, since fishermen may fear a rise in point values as the year progresses. How will that be avoided? Isn't there an implicit allocation effect in the setting of point values? *That could happen if point values are set too high. Point values will be adjusted periodically. The Council will need to set policy guidance on what magnitude of change in point value is acceptable.*
- Doesn't the initial allocation – since a catch history bonus multiplier is based on value – reward vessel owners that targeted high-priced stocks such as cod? *Catch history is not species specific – it is based on two separate criteria, revenues and pounds, that are rated and combined.*
- How can we be sure that point values will not rise late in the year, disadvantaging fishermen who usually fish in those periods due to higher prices or fish availability? *That is a possibility. The setting of point values might be able to address this issue if there is policy guidance to do so.*

An AP member suggested that there are two different elements to the point system (and perhaps all alternatives being considered). First is the re-allocation of access to the fishery using points. The second is the mechanics of how the system works. It may be helpful to the Council to discuss those issues separately. The allocation discussion should be supported by an analysis of the impact of the reallocation on ports, vessel sizes, gear, etc., so fishermen know exactly what kind of points they are going to get. While not all AP members agreed that the point system was a reallocation –some argued it was merely a conversion of existing DAS allocations – most agreed that framing the discussion of any management system in this manner may be helpful.

The AP also offered a few pros and cons for this system:

Pro

- If adjustment of point values is handled correctly, may take away the implicit allocation effects of effort controls. If it can be structured to act as a market, many of the allocation decisions go away.
- Innovative idea – comes at DAS from a different angle. This puts a value on fishing activity that can be measured, similar to the scallop access programs.
- Attempts to convert current allocations into a different currency.

Con

- Complex – requires a lot of analysis and may be difficult to complete given the time available.

Area Management

Mr. Craig Pendleton provided an overview of the area management proposal. As a result of feedback received on the plan, he noted the following modifications:

- Fishermen would be required to declare into an area for three years – area boundaries are not permeable, at least for the Gulf of Maine (GOM).
- The GOM would be divided into an inshore and offshore area at roughly the 25600 loran line. The inshore area of the GOM might be divided into an eastern and western section at 43°15' N.
- On May 1, 2009, the default Amendment 13 regulations would stay in effect until area advisory panels could craft new measures. These would be supplemented by quarterly hard TACs.

AP members offered the following comments:

- This proposal offers a way to implement a hard TAC system, but there hasn't been a good description of how the governance system would pace the fishery and avoid a derby.
- Area advisory panel membership could result in decisions that exclude a specific gear or type of fishing, with no recourse those who fish only in that area.
- The TACs in an area are based in part on fishing history, yet some vessels that fished in multiple areas - and contributed to the catch history in each area - may be prevented from fishing in an area because they have to declare into one area. In addition, many boats may pick the inshore areas because it is cheaper to fish there.
- As with the point system, the allocation questions should be discussed separately from the operational issues.

The AP wrestled with reaching a conclusion on both area management and the point system. **The AP ultimately supported both initiatives for further development with a straw vote of 6-3-1.**

DAS Modifications

The AP discussed modifications to the DAS system. Most AP members agreed that a DAS alternative should be included in the amendment. One member suggested counting each DAS as a 24 hour day, adopting a running clock for all species with trip limits, and modifying the rolling closures. Another member expressed concern with implementing new, untested systems in the middle of a rebuilding program that is showing signs of improving stock status. Members

expressed concern, however, about how the recent changes to the M-S Act will affect DAS management. How will accountability measures and annual catch limits be implemented, particularly in a DAS system? Another member offered the opinion that a problem with the current DAS system is that there is too much variability in what a DAS means in terms of mortality. Finally, one member suggested the Council reconsider all of the ideas that were surfaced during FW 42 development.

The AP agreed to recommend that the Council continue to develop a DAS management alternative, with one member dissenting.

Other Issues

DAS Proposals

An advisor asked what the process would be for submitting new DAS ideas. The scoping period deadline of December 29, 2006, applied to new management systems, but the Council has not said when it will stop accepting suggestions for changes to DAS.

Sectors

The AP discussed the comment on sectors that were received during scoping but were referred to the Omnibus Sector Committee. Other sector issues that the AP believes need to be addressed include:

- Allocation. There was a suggestion that allocation to sectors should not be based solely on catch history, but should consider other factors as well. A member expressed concern that the sectors are essentially being allocated an IFQ, which is not used in other parts of the fishery.
- History period used for catch history. The AP expressed concern over the current sliding baseline, noting that it causes numerous problems, and a fixed period should be implemented. This fixed period should be bounded by the years 1996 through 2003 (with a specific period identified within those end dates). It was noted that a fixed period had allocation implications for current participants.
- Increases in capacity caused by sectors. At present, with a sliding history period and allocations based on catch history from post-Amendment 13 years, it is possible for a vessel owner to acquire DAS through leasing and use those DAS to develop catch history. The vessel owner can then put the vessel with the catch history into a sector, while the other permits then use their DAS in the common pool. In effect, this is similar to using the same permit history to qualify two permits, and could have an adverse effect on common pool vessels.

The AP agreed that these issues were specific to groundfish management and **they recommend that they be addressed by the Multispecies Committee.**

US/CA Resource Sharing Understanding

An AP member suggested the US/CA Resource Sharing Understanding should be revisited in Amendment 16; the member said both the agreement itself, and the implementing regulations, should be examined.

The AP agreed to suggest the Committee and Council revisit this understanding.

GOM Party/Charter Limited Entry

The AP discussed the proposed party/charter limited entry program. Members expressed concern that the proposed qualification criteria was not clear in specifying whether a commercial, limited access vessel that had made party/charter trips in the past would qualify for a permit. Some AP members felt that limited access DAS vessels should continue to be allowed to make party/charter trips, even if they had not entered this fishery prior to the control date.

The AP agreed to request clarification on these issues from the Groundfish Committee.

Herring Fishing In Groundfish Closed Areas

The AP briefly discussed the issue of herring midwater trawlers fishing in groundfish closed areas. While some AP members expressed concerns that these vessels were impacting groundfish stocks, the panel did not reach a consensus on this issue. Panel members also expressed concerns about other exempted fisheries, specifically mentioning whiting.

Allocation

The AP agreed that without regard to which management alternatives are considered in Amendment 16, fishermen should be provided information so they can evaluate how allocation decisions will affect their permits. **The AP agreed on the following consensus statement:**

The Groundfish Advisory Panel requests that the Council or NMFS notify all individual permit holders of their estimated allocations under each management option currently available or to be considered in the future prior to any management action that have allocation implications.