

New England Fishery Management Council
Groundfish Advisory Panel
Meeting Summary
May 26, 2009

The Groundfish Advisory Panel (GAP) met in Wakefield, MA to provide advice on Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP). Members present included Mr. Paul Parker (Chair), Mr. Carl Bouchard, Mr. Richard Canastra, Mr. Bill Gerencer, Mr. David Marciano, Mr. Jan Margeson, Ms. Jackie Odell, Ms. Maggie Raymond, Mr. Geoff Smith, and Mr. John Williamson. Groundfish Oversight Committee Chair Mr. Rip Cunningham participated in the meeting. The GAP was supported by Council staff Tom Nies and Anne Hawkins. The GAP discussion began after a brief overview of Amendment 16 presented by Council staff.

Acceptable Biological Catch (ABC)/Annual Catch Limits

The GAP first addressed several issues concerning ABCs and ACLs. First, members expressed concern that an ABC for SNE/MA winter flounder might be set at 0. This would inhibit sector operations in that stock area. Staff noted this issue was discussed by the Science and Statistical Committee (SSC) and the expectation was the SSC might recommend a small ABC based on a level of discards, with possession prohibited. The GAP suggested two additional options for this stock:

- Request the Council send a letter to NMFS asking to extend the rebuilding period for this stock (if such a request had not been made already). One member objected to this approach.
- If the rebuilding period cannot be extended, treat SNE/MA winter flounder in a manner similar to ocean pout and windowpane: do not allocate to sectors but ban possession. This would place sectors on par with the common pool.

GAP members expressed concern that permit holders find it difficult to decide whether to join sectors when the specific ACLs for future years are not yet known. In addition, some members expressed concern that the various levels of uncertainty would leave sectors starved for quota and thus unable to effectively operate.

Common Pool Accountability Measures (AMs)

The GAP discussed the two AMs for common pool vessels. Some members argued that the only way for sectors and non-sector vessels to be on the same level is if the hard TAC AM was adopted for the non-sector vessels. They viewed this AM necessary to have consistent management across the two components of the commercial fishery. As for concerns it would lead to a derby fishery, they noted that in recent years effort controls have kept catches below target TAC levels. Others expressed concern over using a hard TAC for vessels that were not given individual allocations, highlighting derby fishing and vessel safety as the main concerns. Opponents also noted that the existence of the hard TAC would modify fishermen's behavior in unpredictable ways. They also noted that the amendment includes measures designed to keep each component accountable for its catch. Ultimately, the GAP could not reach a consensus on this issue.

Monitoring

The GAP discussed monitoring requirements for both sector and non-sector vessels. Noting recent announcements by NMFS that funding was available to assist with monitoring costs, the **GAP agreed by consensus that if sector needs are addressed, part of the available funds should be used for non-sector vessel monitoring.**

The GAP discussed in general terms several issues related to sector monitoring provisions. Concerns were expressed over the level of coverage that may be required, costs, minimum coverage standards, offloads to trucks, and the availability of dockside monitors. Questions were raised whether waivers would be issued if monitors were not available. Noting that a workshop will be held by NMFS in early June, no recommendations or consensus statements were adopted.

Potential Sector Contribution(PSC)/Permit History

GAP members discussed the alternatives for determining the PSC for each permit. They noted that individual permit data was released to permit holders within the last few weeks. Permit holders were having difficulty digesting the information and deciding which alternative was best for them.

An issue related to the PSC alternatives was whether catch history for permit fishing in sectors would be affected by transfers of ACE between sectors. Because there is a possibility that a future Council might adopt a different allocation formula, there is a concern that permit holders will be unwilling to trade ACE since at present the permit that lands catch is the one that acquires the catch history. Because a future allocation decision might use a time period that overlaps the transfer of ACE between sectors, permit holders may be unwilling to transfer ACE because of the risk that they will lose the catch history. Some suggestions included “freezing” catch history when a permit is in a sector, treat the issue as in an IFQ program where it is often stated that transfers are temporary or consider ACE allocated to a sector to be caught by the permit holders. There were different opinions on whether this was a problem.

Returning to the allocation decision, a wide-ranging discussion led the **GAP to support a history-based PSC alternative using the years 1996 – 2006.** Several members deferred expressing an opinion, so this statement is based on the opinions of five of the ten members present. Members also expressed concerns that the impacts of the PSC on common pool vessels had not been thoroughly considered.

The panelists discussed Alternative 5, which maintains the Amendment 13 allocation formula for the two existing sectors for GB cod. Some members argued that this alternative should be selected because sector members made investment decision based on this allocation. Others noted this was not conceptually different than permit holders who made investment decision based on DAS allocations. There were concerns over how this alternative influenced PSC calculations, as NMFS letter has not yet distributed this information. In addition, staff clarified that this alternative, if adopted, means a specific pool of permits have their PSC for GB cod calculated using landings history for 1996-

2001. This PSC follows those permits regardless which sector they join in the future. The GAP did not agree to a recommendation on this issue.

Joint Liability

Amendment 16 offers several options to further define joint liability for fisheries violations as it applies to sectors. **The GAP supported Option 2, which lists specific violations that are subject to joint liability, with one member dissenting and supporting Option 1.**

Common Pool/Non-Sector Vessel Effort Control Measures

A brief discussion of the effort control options made it clear the GAP would not be able to reach a consensus. One member supported Option 2A, offering the opinion it appeared to lead to meeting mortality objectives with the least loss of revenues from other stocks. Two members supported Option 3A as simpler alternative than 2A, but a third objected to the way DAS would be counted in whole increments in this option. The GAP asked the PDT to determine if the analyses required counting all trips of any length in 24-hour increments.

Common Pool AM

The GAP could not reach a consensus on AMs for common pool vessels. Two supported the hard TAC option while two supported the differential DAS option.

US/CA Area

GAP members next discussed the US/CA area regulations and the implications if the TAC was exceeded. Staff confirmed that the area would close (i.e. the Eastern US/CA area) if the TACs were exceeded, even if one component of the fishery had not yet harvested its share. **GAP members agreed that separate allocations of GB yellowtail flounder, EGB cod, and EGB haddock should be made for sector vessels.**

Miscellaneous Measures

The GAP discussed the alternatives for DAS leasing and transfer programs. Members noted that the interim action removed the cap on the number of DAS that can be leased by a permit, but this measure was not in Amendment 16. **The GAP reached a consensus that the cap on DAS leasing should be removed and recommends this be added to the amendment.** One member pointed out that gillnet vessels are required to take 120 days out of the fishery and as a result these vessels cannot effectively lease as many DAS as vessels using other gear, even if the cap is removed. He suggested the gillnet DAS out should also be removed.

With one dissenter, the GAP recommends that the DAS transfer tax be removed. The dissenter suggested that a tax should be applied to leasing DAS that is the same as the transfer tax to account for improved efficiency of the DAS leased.

GAP members discussed the monkfish and skate fisheries in the context of groundfish sectors. They noted that the monkfish plan may have sectors by 2011 as a result of an

amendment under development. Members suggested that if the monkfish amendment were combined into a joint amendment with groundfish that might allow monkfish vessels to join a groundfish sector. A similar approach might also work for the skate fishery in a future skate action. **The GAP recommends that the Council consider this suggestion.**

Several GAP members commented that the Council should acknowledge Community Fishing Associations(CFA) in a manner that is similar to discussions occurring in the Pacific. A brief summary paper was circulated to GAP members for discussion purposes describing problems that such organizations might help resolve, such as preserving community access to the groundfish fishery. A member noted that at present nothing prevents community organizations from purchasing and holding permits, and questioned why such an action was needed. Another member expressed concern that this just created additional entities competing for permits, making it difficult for individual permit holders to compete in the marketplace. Specifically, there was resistance to creating a mechanism for groups to acquire an allocation without acquiring permits, such as through a community set-aside program. Supporters of the concept said that catch share systems make it difficult for small vessel owners to buy and hold quota; CFAs thus can help with the capitalization costs. Council recognition of these organizations might help them organize and raise funds. The GAP reached a consensus to recommend the Council recognize CFAs, with six members supporting the concept and two opposing it.