

**New England Fishery Management Council**  
**Multispecies (Groundfish) Committee**  
**Meeting Summary**  
April 20, 2007

The Multispecies (Groundfish) Committee met in Peabody, MA to discuss Amendment 16. The Committee reviewed the area management and point system proposals for the commercial fishery and briefly discussed the GOM party/charter limited entry program. Committee members present included Rip Cunningham (Chair), Mike Leary (Vice-chair), Rodney Avila, Sally McGee, Susan Murphy, David Preble, Terry Stockwell, Jim Ruhle, and Jim Odlin. Staff present included Tom Nies (NEFMC) and Doug Christel (NMFS NERO).

The Chair began the meeting with an explanation of the timing for the meeting. He noted that the Committee wanted to give the Plan Development Team (PDT) time to review the proposals and provide comments to the proponents. He also briefly explained that the Gulf of Maine Research Institute and the Massachusetts Marine Fisheries Instituted held a meeting outside the Council process to help the proponents refine their proposals.

Mr. Ruhle initiated a discussion of a different approach for Amendment 16 development: develop an adjustment to the days-at-sea (DAS) system for implementation at the start of fishing year 2009, but continue development of area management and the point system for consideration in a future action. This approach would give additional time to develop these concepts. Several Committee members expressed an interest in exploring this idea. Ms. Murphy noted that NMFS was concerned over the timeline, was interested in both proposals, but felt it would be difficult to develop them by 2009. The Chair noted that if this approach was selected, the reality is that much of the burden of developing the new systems would fall on the proponents as staff and Council time is limited and would focus on the DAS alternative.

**Motion:** For the Committee to request that the Council initiate a framework/amendment process to modify the existing DAS program with the intent of meeting the required groundfish mid-term rebuilding targets for 2009. (Mr. Ruhle/Mr. Preble)

Committee members discussed several specifics related to the motion: is a framework sufficient, would an EIS be necessary, etc. The Chair suggested the vote on this motion should be delayed until the Committee heard from the proponents of each new system.

**Motion:** Move to table this motion to the other business section of this meeting.  
(Mr. Stockwell/Mr. Preble)

The motion to table carried unanimously.

**Advisory Panel Report**

Mr. Paul Parker, Chair of the Groundfish Advisory Panel (GAP), summarized the meeting held April 19, 2007. He first summarized issues that cut across all alternatives and provided the GAP consensus statements on reporting/monitoring and the overlap between the monkfish, skate, and multispecies FMPs. The specifics of Mr. Parker's report are contained in the AP meeting summary dated April 19, 2007.

Committee members asked for clarification on the AP's suggestion to revisit the US/CA Understanding: what did the AP identify as wrong with the agreement? Mr. Parker replied that

there is concern with the understanding itself. There is a belief that U.S. fishermen are at a disadvantage, as well as with the regulations implementing the agreement. Mr. Parker also clarified AP concerns over sector provisions and allocation issues.

Committee members expressed general agreement with the AP's assessment of the slow pace of incorporating technological improvements into the monitoring system.

### **Area Management**

Mr. Craig Pendleton provided the Committee an overview of the philosophy and details for the area management proposal submitted by the Area Management Coalition. Mr. Pendleton highlighted the following points; some reflect changes that have been made as a result of the continued development of the proposal.

- Areas: The proposal suggests an inshore/offshore GOM boundary at roughly the 25600 loran line, from the Hague Line to 43-15 N., west to the WGOM closed area, and then south. The inshore GOM is also divided into an eastern and western portion at 43-15 N. The two other areas proposed are based on the Georges Bank and Southern New England regulated mesh areas.
- Boundaries are not permeable, at least in the GOM. Vessels must declare into an area for three years. A preliminary declaration would be made in November 2008 to get a sense of the number of vessels in each area.
- Management measures on May 1, 2009 would be the default Amendment 13 measures, backed up with quarterly hard TACs for each species in each area. These will be based on survey and VTR information. Area advisory panels will be formed to develop area specific measures that will be implemented through NMFS and the Council.
- Reporting systems must be improved. Consideration will be given to third-party providers, rather than relying on the government.

Committee members asked a number of questions about the proposal. Mr. Pendleton's replies are in italics.

- The proposal set-aside 20 percent of an area's TAC for vessels that do not sign into the area. What is the rationale for that percentage? *The TAC was an attempt to have permeable boundaries – vessels would not be restricted to one area. The number was an estimate. That TAC is not necessary if vessels have to stay in one area, as we are now proposing.*
- You propose full retention with video monitoring. Is that acceptable to most fishermen? *Probably not, but we are trying to encourage innovation and reduce waste.*
- Will habitat protection measures always be more than Council rules require? *They will never be less than the Council rules. We believe area management will facilitate additional measures.*
- How do you reconcile local rule-making authority with the delegated legislation issue? *We need to be aware of this concern. Lobster zone management is an example of how it could work: the state sets standards that everyone has to meet, but local authority can be more stringent. Much of the enforcement is by peer pressure.*
- Have you gone as far as assigning TACs to areas? *We have asked the PDT for help on this issue, to give an example. We don't believe statistical blocks are the answer for defining areas, though it makes things easier for the PDT.*
- I am unclear on the process of implementing area specific regulations. *Each area has unique characteristics; it would be better if rules were unique as well.*
- When a TAC is reached, would an area close? *Yes.*

- Have you had any discussion with people outside of your area? *We have spoken with some fishermen from the western end of the inshore GOM, but not in detail.*
- Do you think quarterly TACs are sufficient to prevent a derby? *There isn't widespread agreement, but we think this is a first step to implementing measures to stay within the TACs.*
- If a fisherman signs into an area for three years, and it turns out there aren't fish in the area, is he stuck? *Yes.*

### **Martha's Vineyard Cod Fishery**

The Committee was addressed by three fishermen from Martha's Vineyard who delivered letters supporting special status for Martha's Vineyard fishermen. Led by Tom Osmer, they are interested in restoring access to the cod fishery for island residents. They reported that some residents, including members of the Wampanoag Tribe, are interested in raising cod fry at two unused hatcheries on the island. To be successful, they may need closures of areas where the cod are released. They are also interested in being grandfathered into the fishery under Amendment 16, since they have traditionally fished with handlines and jigging. They will provide additional details to the Council in the future.

### **Point System**

The Committee next discussed the point system. Five members of the public spoke in support of the system before the Committee discussion began. Mr. Vito Giacalone, Northeast Seafood Coalition, gave an overview of the proposal. Noting that there were concerns that the system could be implemented, he commented that there seemed to be agreement that administrative concerns are nullified if a sector is formed. If this is the case, points could be used as the allocation mechanism and then sectors could be used to implement the point system. This would be preferable to using catch history alone to allocate access to the resource to sectors. The intent of the point system is not to re-allocate, but to change the currency of the current DAS allocations. He said the current sector structure – based on catch history – in essence creates a “shadow ITQ” for every permit holder once the first sector is formed. That is an allocation issue the Council has not addressed. The point system, on the other hand, is a transparent, equitable allocation system that could be used with sectors.

Mr. Giacalone went on to point out that the current sliding baseline used for sector catch history has capacity implications that have not been addressed by the Council. A vessel can lease days to increase its share of the catch. If that vessel joins a sector, the catch history goes to the sector but the DAS can be fished by different permits outside the sector – in effect, splitting the same history with two or more vessels.

The Committee asked several questions, with Mr. Giacalone's replies in italics.

- How does the point system prevent someone from targeting stocks of concern? *This is a function of the biological point values, in particular the initial point values. They can be set so the fleet would have to commit financial suicide to over-harvest a weak stock.*
- How frequent will point values be adjusted? *We hope at least monthly – weekly would be ideal.*
- How do point values interact with the price paid for a stock? *Just because there is a low point value does not mean a stock can be caught. It must be available to the fishermen.*
- Who is going to develop the point value model? *We have volunteered to help develop this model. It does not need to be based on behavior – it will be a purely mathematical model. Behavior will have to be considered when determining impacts.*

- There seems to be an incentive to discard to avoid being charged for a high point value species/stock. *We believe that this is a possible issue, but that the incentive is less under this system than under the DAS or other systems.*
- The Council has been concerned about the makeup of the fleet. If points are freely transferable, what prevents the fleet from becoming all vessels of similar size, or from one port? *No permanent transfers are allowed during the first two years so we can evaluate whether this is a real concern.*
- If everything can be made to work – the allocation and setting of points, etc – how long will it take to get the logistical elements in place? *We might consider sector management to get over the administrative delays.*
- What happens if, in spite of everything, a TAC is caught or exceeded? *That is purely a policy decision the Council will need to address.*
- If the point system is adopted through sectors, would the point values be the same for all sectors? *Yes, they would. Each sector would administer the point system for its members, but the values would have to be the same in all sectors.*

### **GOM Party/Charter Limited Entry**

The Chair explained that because of a minor accident, there was no one present to brief the Committee on the proposed GOM party/charter limited entry program. The Committee held a brief discussion. One Committee member stated that he had spoken with several party/charter operators who were opposed to the proposal. There was some confusion over whether the party/charter fleet was suggesting that a recreational allocation was unnecessary. The Chair explained that the proponents were suggesting that a recreational allocation need not be split to provide a two separate allocations – one for private boats and one for party/charter boats. The proposal should not be interpreted as suggesting that a recreational allocation is not requested by the RAP.

Ms. Murphy relayed several questions/comments from NMFS: monkfish and skates are not regulated species under the groundfish plan and should not be part of the qualifying criteria; the qualification criteria need to be clarified: is it based on calendar year or fishing year or some other time period; upgrading restrictions should not be different from those in other plans; NMFS believes commercial vessels can qualify.

Public comment included:

- Don Swanson, CCA New Hampshire, stated that while he is a member of the RAP this is the first time he has seen this proposal and he did not support some elements of the proposal.
- Dave Marciano, gillnetter, said he did not think limited access boats should be precluded from this party/charter fishery, even if they had not participated prior to the control date.

**Motion:** To recommend the Council reaffirm the control date of March 30, 2006, to apply to CG inspected party/charter boats only. (Mr. Leary/Mr. Ruhle)

Mr. Leary explained that he had spoken with many operators of charter (six passengers) vessels who opposed the proposed limited entry program. His motion would limit the program to inspected vessels, while the “six-pack” vessels would remain open access. After some members expressed concern about retroactively changing a control date, staff pointed out that the control date did not limit how the Council constructed a limited access program. Several Council

members were uncomfortable having this discussion without any of the proponents of the plan present.

**Motion:** To table this motion until the next meeting. (Ms. McGee/Mr. Avila)

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

### **Other Business**

The Committee returned to the issue of Amendment 16 content and timing.

**Motion:** To return the motion on Amendment 16 to the table (Mr. Ruhle/Mr. Preble)

The motion carried unanimously and the following motion was returned to the floor:

**Motion:** For the Committee to request that the Council initiate a framework/amendment process to modify the existing DAS program with the intent of meeting the required groundfish mid-term rebuilding targets for 2009. (Mr. Ruhle/Mr. Preble)

**Motion to amend:** Consistent with M-S Act requirements, alternate management approaches including area management and points will continue to be developed through an amendment and considered by the Council for implementation by May 1, 2010. (Mr. Stockwell/Mr. Preble)

Mr. Stockwell explained that this proposed amendment makes it clear that development of alternative systems was a Council priority and would proceed under a fixed timeline. A Committee member opposed the amendment on the grounds the Council needed to make a decision on which alternatives were realistic.

**The Chair ruled the motion to amend out of order** on the grounds it would bind the hands of the Council. The returned motion was perfected to read:

**Motion (as perfected):** For the Committee to request that the Council initiate a framework/amendment process to modify the existing DAS program with the intent of meeting the required groundfish mid-term rebuilding targets for 2009, consistent with the M-S Act. (Mr. Ruhle/Mr. Preble)

Committee discussion of the perfection ranged from support to ambivalence since any action has to be consistent with the M-S Act. Ms. Murphy reminded the Committee that NMFS believes Amendment 16 is the action that will address annual catch limits (ACLs) and accountability measures (AMs). Some Committee members expressed concern this motion did not address continued development of the new management systems (points and area management). Public comment included:

- Vito Giacalone. All the effort control regulations – not just DAS – should be reviewed if this motion is adopted.
- John Williamson, Ocean Conservancy. It is wise to include “consistent with the M-S Act.” Clearly changes will need to be made to be consistent with the law. We should make it clear this will be addressed by 2009, not the statutory deadline of 2010.
- Dave Marciano. : I support DAS; I am undecided on the other options. I think we should begin work now on creating a DAS system that works.

- Geoff Smith: This motion is totally silent on what will happen with the other alternatives.
- Craig Pendleton. This process has always been a back and forth process. To think that we should have a finished plan by now is unacceptable. If we spend as much time working on a problem as we spend saying there isn't enough time we would be done by now. If we pass this motion – we will create a Christmas tree framework. You will be dealing with as many issues as before. We won't have access to staff to help us develop these plans.

A suggestion to perfect the motion to address the concerns of Mr. Smith and several Council members was not accepted.

The motion carried on a show of hands (6-2-0).

**Motion (as perfected):** For the Committee to request the Council initiate, subsequent to development of A16, a framework/amendment to develop and consider alternative management methods to replace DAS. (Mr. Preble/Ms. McGee)

This motion was offered to make it clear development of the alternatives would consider after development of Amendment 16. Due to limits on staff time, it was unlikely that the two programs could proceed concurrently. There was an extended discussion on the correct process for turning the Committee's recommendations into action. Ultimately, the Committee directed staff to work with NMFS to determine the best way to accomplish the Committee approach. This second motion was first tabled until the next meeting; the previous motion was then reconsidered and then tabled until the next meeting.

**Motion:** To table this motion until the May 31 meeting. (Mr. Stockwell/Mr. Preble)

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

**Motion:** To reconsider the motion on the content of Amendment 16. (Mr. Odlin/Mr. Preble)

The motion to reconsider carried on a show of hands (8-0). The reconsidered motion was:

**Motion:** For the Committee to request that the Council initiate a framework/amendment process to modify the existing DAS program with the intent of meeting the required groundfish mid-term rebuilding targets for 2009, consistent with the M-S Act.

**Motion:** To table the reconsidered motion until the May 31 meeting. (Mr. Preble/Mr. Stockwell)

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

The Committee returned to several issues raised by the AP. First they discussed the issue of the connection between skate, monkfish, and groundfish management. While some Committee members supported combining these plans, others expressed skepticism. Ms. Murphy noted that leaving the DAS system would probably require changes to the monkfish and skate plans as a joint action, since those plans rely on groundfish DAS. Committee members noted that a change might make it easier for sectors to acquire skate or monkfish TACs so they would not be bound by TACs. They also noted, however, that monkfish is a joint plan with the Mid-Atlantic Fishery Management Council and their approval would be needed for any joint action. The Chair

recommended seeking advice from the respective PDTs and discussing this issue further at the May 31 meeting.

The Committee next discussed a concern that specific groundfish sector issues were referred to the Omnibus Sector Committee. The AP had suggested these issues would be better addressed by the Multispecies Committee.

**Motion:** To recommend the Council include changes specific to groundfish sector guidance in Amendment 16. (Ms. McGee/Mr. Stockwell)

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

The Committee next discussed the AP's concerns over the US/CA Resource Sharing Understanding. Some Committee members cautioned that it may not be in the Council's interest to reopen the understanding, and it may not be within the Council's purview. The measures implementing the understanding, however, are clearly a Council responsibility.

**Motion:** To ask the Council to revisit the rules governing US fishing in the area covered by the US/CA Resource Sharing Understanding. (Mr. Avila/Mr. Ruhle)

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

Staff distributed a memo from the PDT suggesting haddock separator gear standards. The Committee will further discuss the proposed standards at the May 31 meeting. Committee members will provide feedback to staff prior to that meeting. The goal is to present a standard to the Council for approval in June.