

New England Fishery Management Council Multispecies (Groundfish) Oversight Committee

Meeting Summary
May 31, 2007

The Committee met in Providence, Rhode Island to continue development of Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP). The Committee reviewed scoping comments for changes to the days-at-sea (DAS) system (including the DAS Performance plan), briefly discussed the Gulf of Maine party/charter limited entry program, and developed a recommendation on how to proceed with alternative management systems. They also discussed sector proposals, a performance standard for gear used in the Eastern U.S./Canada Haddock Special Access Program (SAP) and the Category B (regular) DAS program, the overlap between the monkfish and groundfish FMPs, and developed a recommendation for emergency or other action to allow retention of seventeen inch haddock on Georges Bank. Committee members present were Mr. Rip Cunningham (Chair), Ms. Sally McGee, Mr. Rodney Avila, Mr. Dave Preble, Mr. Jim Ruhle, Mr. Tom Hill, Mr. Jim Odlin. Staff present included Tom Nies, Phil Haring, and Pat Fiorelli (NEFMC), Doug Christel, Tom Warren, and Allyson McHale (NMFS NERO), and Gene Martin (NOAA GC). Because of a technical problem, only the first ninety minutes of this meeting was recorded.

Council staff gave a brief summary of the Groundfish Advisory Panel meeting on May 30, 2007 at the start of the meeting. The details of that report are in the summary for that meeting.

DAS Performance Plan

Mr. Erik Anderson gave an overview of the DAS Performance Plan: his proposal to charge DAS based on landings of stocks with a trip limit. Mr. Anderson noted that the measures adopted in Framework 42 charged differential DAS based on area fished regardless of what is caught – even though the differential DAS are based on the need to reduce mortality on specific stocks. His proposal extends the use of DAS and charges higher DAS rates if a vessel lands a stock that needs additional protection. While he noted his written comments focused on GOM cod and CC/GOM yellowtail flounder, he explained that the concept could be expanded to other stocks if necessary. He commented that there may be ways to simplify the calculation of the DAS charge, based on conversations he has had with Groundfish Plan Development Team (PDT) members. In response to questions from Committee members, Mr. Anderson said that he believed the existing reporting systems are sufficient to manage this proposed plan. He said that the DAS calculations did not have to be done real time, but could be done after the fact to account for delays in reporting. Mr. Christel commented that NMFS did not believe the current reporting system could do these calculations on a real-time basis. Mr. Anderson also said that he was uncertain whether some of the proposed changes to the DAS system might resolve his concern that vessels were charged differential DAS even if they were not catching stocks that this measure was meant to protect.

One public comment was received. Mr. Rich Canastra, Whaling City Auction, said that if this system is adopted, a mechanism needs to be developed to verify landings information.

Amendment 16 Development

The Committee next considered the issue of what measures should be included in Amendment 16.

Motion: To return the motion tables at the last Committee meeting. (Mr. Ruhle/Mr. Preble)

The motion carried on a show of hands. The motion returned to the table was:

Motion: For the Committee to request that the Council initiates 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 amend (as perfected) : That the Committee request the Council utilize Amendment 16 for the sole purpose of meeting the required groundfish mid-term rebuilding targets for 2009, consistent with the M-S Act and that Amendment 17 (or the next available groundfish amendment) be designated as the mechanism to further develop all other management options including but not limited to area management, DAS performance plan, point system, ITQ management, and approval of any new sector proposals or adjustments or modifications to existing sectors. Amendment 17 should also develop and establish a complete allocation system for the groundfish fishery. (Mr. Ruhle/Mr. Preble)

Mr. Ruhle said that until the allocation issue is debated and resolved, there is considerable uncertainty in the industry over what might happen. He does not believe there is enough time, staff, or resources to address all of these issues in Amendment 16. Several Committee members supported the motion, but offered that it should more specifically state that DAS/effort controls will be used in Amendment 16. Mr. Odlin objected to delaying the implementation of sectors, noting that there were existing rules guiding sectors and applicants who had complied with those rules. Ms. McGee also expressed concern over delaying the implementation of additional sectors, noting that they were an additional way to continue rebuilding. Mr. Hill suggested that Amendment 16 should consider all effort control tools currently used, and not just changes to DAS.

Motion to amend: To remove the following language after the word management: “and approval of any new sector proposals or adjustments or modifications to existing sectors.” (Mr. Odlin/Ms. McGee)

This change would mean sector applications would be considered in Amendment 16. Public comment on this motion to amend included:

- Ms. Maggie Raymond: Associated Fishermen of Maine. We support the motion to amend (to include sectors in Amendment 16). Sectors are an available management tool and should be used. The baseline issue was debated and resolved in Amendment 13. Sectors are willing to do the analytic work if necessary to ease staff workload. In addition, at a previous Council meeting I specifically asked if new sectors would be entertained and was told they would be.
- Mr. Vito Giacalone: Northeast Seafood Coalition. We oppose the motion to amend. The process has changed quite a bit since scoping.

Mr. Christel commented that NMFS expected sectors approval would require considerable work by the service to evaluate cumulative impacts.

The motion to amend failed on a show of hands (3-4).

The first motion to amend was perfected to read as follows:

Motion to amend: That the Committee request the Council utilize Amendment 16 for the sole purpose of meeting the required groundfish mid-term rebuilding targets for 2009 through modifications of the existing DAS program, consistent with the M-S Act and that Amendment 17 (or the next available groundfish amendment) be designated as the mechanism to further develop all other management options including but not limited to area management, DAS performance plan, point system, ITQ management, party/charter limited entry, and approval of any new sector proposals or adjustments or modifications to existing sectors. Amendment 17 should also develop and establish a complete allocation system for the groundfish fishery.
(Mr. Ruhle/Mr. Preble)

Public comment on the motion to amend included:

- Mr. John Williamson: Ocean Conservancy. Is there a time certain for the development of Amendment 17? That would be helpful for proponents.
- Mr. Roger Fleming: Conservation Law Foundation. It is not clear if the Committee means to include new M-S Act requirements in Amendment 16 (annual catch limits and accountability measures). We hope this is the case. We oppose this motion because it appears mortality adjustments would be met through the DAS system and will set aside area management or the point system.

Mr. Hill expressed the hope that work would continue on alternative management systems. The chair also commented that the requirements for ACLs and AMs would either have to be addressed in Amendment 16 or quite quickly in order to meet a requirement that they be in place by 2010.

The motion to amend carried on a show of hands (5-1-0). The motion was then voted as a main motion and carried on a show of hands (5-1-0).

Motion: The Groundfish Committee requests the Groundfish PDT develop a point allocation for each permit holder and points be included as an allocation currency option for any groundfish management program. (Mr. Avila/Mr. Ruhle)

Mr. Avila explained that he wanted every permit holder to understand what their individual allocation would be. Mr. Ruhle said that he did not interpret this motion as committing to the point system suggested by the Northeast Seafood Coalition. Committee members were concerned about the timing of this calculation, whether there were policy issues that needed to be considered before the PDT could perform the calculation. Some members felt that what is needed from the PDT is an identification of the issues to be considered during a Council debate on allocation. Ultimately, the Committee agreed that there would be a need for advice from the PDT in the future, but it might be better to wait until the Council acts on the previous motion.

Motion: To table the previous motion. (Mr. Ruhle/Mr. Preble)

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

Overlap of Groundfish and Monkfish FMPs

Council staff summarized a memo from the Groundfish PDT discussing the possibility of combining the monkfish, groundfish, and skate FMPs (PDT memo dated May 22, 2007). Committee members held a brief discussion. They considered whether it might be possible to incorporate the northern stock of monkfish into the groundfish FMP, but keep the southern stock

separate. Mr. Haring advised that while managed in two areas, there wasn't conclusive evidence that the stocks were separate. After considering a motion not to combine the plans, the Committee did not take any action.

GOM Party/Charter Limited Entry

Mr. Barry Gibson, Chair of the Recreational Advisory Panel, expressed disappointment that the Committee decided not to include the proposed limited entry program in Amendment 16. He acknowledged that there was too much work for this amendment and urged the Committee to move this issue forward in the next action. He requested that the Council schedule another meeting of the Recreational Advisory Panel to discuss the limited entry proposal. Public comment included:

- Mr. Kevin Scola: I do not think that many understand the implications of a limited entry system. It could lead to DAS, or VMS, or additional closed areas. Many fishermen also think this will only apply to codfish, and not other species as proposed. It is also important to consider an individual's history in the fishery when determining eligibility, and not just whether a certain permit was held on a specific date. I do not think this is needed, I don't see a large influx of vessels. What I am seeing is a large increase in private boats.

Amendment 16 Alternative Recommendations

The Committee next discussed what specific measures should be recommended for inclusion in Amendment 16. They reviewed the Advisory Panel and scoping comments during this discussion.

Motion: To move forward for consideration in A16 the following measures:

- Count DAS as a minimum of 24 hours
- Remove 20-day spawning block requirement
- Require use of diamond mesh codend in CAII YTF SAP
- Allow use of 6 inch square mesh with separator trawl in the US/CA area
- Reduce/eliminate the conservation tax on DAS transfers
- Provide more flexibility in the length/horsepower restrictions in the DAS leasing and transfer programs
- Remove the tonnage restriction on replacement vessels
- Consider 6 inch mesh for gillnets
- Consider 17 inch GB haddock minimum size
- Reduce 72 hour observer notification requirement
- Consider adjustments in differential das program (areas and rates)
- Reconsideration of cod cap proposal
- Adjustments in DAS allocations
- Running clock
- Trip limit triggers on stocks with trip limits
- Re-examine rolling/seasonal closures
- Reexamine exempted fisheries
- Consider reducing minimum size of GOM haddock
- Allow GC scallop vessels fishing in the RMA to retain the same monkfish as allowed by general category permits in other areas vessels

(Mr. Odlin/Mr. Ruhle)

The following points were made during a discussion of the motion:

- This list supplements issues already approved by the Council for inclusion, such as allowing a vessel to have a limited access scallop and groundfish permit at the same time.

- The measures are intended to achieve all management goals, not just rebuilding targets. In some cases (e.g. GB haddock) there may be a need to increase catches. In all cases, 2008 assessment results will determine which measures can be changed.
- While the issue of monkfish catch in the general category scallop fishery seems like it should be addressed by the monkfish plan, NMFS has advised that this change needs to be taken under the groundfish plan.
- There is still uncertainty over how wolffish and cusk will be treated in this amendment. It is not clear there will be an assessment of these two stocks this summer. Without an assessment, much of the information needed to manage these two species (for example, biological reference points) will not be available.
- The review of exempted fisheries will focus on whether or not the current exempted fisheries continue to meet limits on groundfish catch. NMFS and Council staff pointed out there could be additional issues for these programs - needed changes in measures, etc. – but expressed concern that there was not enough time to resolve all these issues.

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

Sectors

While the Committee voted to recommend sectors be considered for approval after Amendment 16, the Chair provided sector proponents an opportunity to address their proposals

- Vito Giacalone: Northeast Seafood Coalition. While we have concerns about the sector process, and believe allocation questions have yet to be resolved, our proposals are serious proposals. We believe you should pursue all submitted sectors if you pursue any of them. Any guidance that is received from the sector omnibus committee needs to be considered. We believe some of these sector requests are an allocation maneuver, not a management proposal. If we address allocation first, people will look at sectors differently.
- Hank Soule: Portland Fish Exchange. I am speaking to the Sustainable Harvest Sector. There are approved rules in place for implementing sectors. There is an accepted baseline, adopted by Amendment 13. I don't see why we want to say these issues have not been debated and resolved. I hope you will reconsider your decision and allow these sectors to move forward. Our sector consists primarily of trawl vessels, but there are a few gillnetters that have expressed an interest. Most, but not all vessels, are from the Maine/New Hampshire area.
- Rich Canastra: Whaling City Auction. I remind you that New Bedford is the largest port in the east coast, in terms of fishing revenue. We put in for three sectors. Until there is an investigation into landings history, I don't think any sector should go forward.
- Dan Holland: Gulf of Maine Research Institute. There are two aspects to this discussion. There are existing rules in place which allow sectors to develop. The proposals put forward to operate in 2008 – these are not tied to this amendment or anything else. We are prepared at GMRI to take the workload off the Council to do what is necessary to comply with the process requirements. There are also comments we submitted during scoping that, if adopted, would improve sector operations. That is something entirely different, and can be addressed through a future action. But that should not prevent sectors from going forward under the current rules.
- Frank Grable: I worked on the last proposal in the binder, the Pier 6 initiative. We requested our catch history in January and did not receive it until after May 1. We believed that we had to have our catch history in order to submit a complete application. We want the opportunity to move forward with this sector.

- Tom Osmer: Martha's Vineyard. I would like to provide additional letters of support for our proposal. We want to help rebuild codfish, and have access to that resource. We should be able to take discarded fish and use them in our fish hatchery, to take a negative and turn it into a positive. We are looking for help from you to do so.

Committee members expressed their opinions on the baseline and allocation issues and whether sectors should be allowed to move forward either in Amendment 16 or before that action. Some Committee members felt the current moving baseline was problematic and should be changed, and that sectors should not go forward until this is resolved. Others noted that the existing rules were debated in Amendment 13 and the Council should not prevent fishermen from forming sectors under those rules. Mr. Warren advised the Committee that the Sector Omnibus Committee would recommend a fixed baseline for all sectors, rather than the moving baseline as adopted by Amendment 13. He also said NMFS interpreted the regulations to require that initial applications for a sector required an appropriate NEPA analysis. The Committee did not take any further action after this discussion.

SAP and Category B (regular) DAS Program Gear Standards

Staff reviewed the process for allowing additional gear into the Eastern US/CA Haddock SAP and the Category B (regular) DAS Program, and the need for a performance standard that can be used by the Regional Administrator to approve additional gear. The Committee reviewed two alternatives provided by the Groundfish PDT (see PDT memo dated April 18, 2007).

Motion: To adopt alternative 1 recommend by PDT with the following change:
Reduction of a stock of concern should be at least fifty percent. (Mr. Odlin/Mr. Avila)

Mr. Odlin noted that all of the programs under consideration control catch with a hard TAC. By reducing the reduction standard to fifty percent (as opposed to sixty-five percent recommended by the PDT), more gear will be eligible for approval.

The motion carried on a show of hands (4-2).

Other Business

The Committee discussed asking the Regional Administrator to take action to allow retention of 17-inch haddock on Georges Bank, either through existing authority for managing the US/CA area or using emergency action authority. Reports are being received that a large amount of fish are being discarded that are just under the nineteen inch minimum size limit.

Motion: to recommend the Council ask the RA to lower the minimum size of haddock to 17 inch under either emergency action authority or her authority to adjust rules to allow the TAC to be harvested. (Mr. Odlin/Mr. Stockwell)

Mr. Odlin noted that seventeen inch haddock are not juvenile, that Canada does not have a minimum size and their fish compete in our market, and that many of these fish are being caught and discarded. Mr. Christel said that NERO does not believe existing regulatory authority allows the minimum fish size to be changed. Council staff noted that there is increasing evidence that GB haddock growth is slow due to density dependent effects, reporting on a recent paper written by NMFS scientists Jon Brodziak and Jason Link. NMFS staff noted that if this motion is adopted it might mean two different size limits, one for GOM haddock and one for GB haddock; this could cause enforcement problems.

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