

**New England Fishery Management Council**  
**Groundfish Oversight Committee**  
**Meeting Summary**  
March 17, 2010

The Groundfish Oversight Committee (Committee) met in Danvers, MA to continue development of Framework 46 to the Northeast Multispecies Fishery Management Plan (FMP). The Committee discussed measures for the framework. They also discussed goals for the accumulation limits amendment, the planned sector workshop, and several other issues. Committee members present were Mr. Rip Cunningham (Chair), Mr. James Odlin (Vice-Chair), Mr. Erling Berg, Mr. Frank Blount, Mr. James Fair, Mr. David Goethel, Mr. Howard King, Mr. Glen Libby, Ms. Sally McGee, Ms. Sue Murphy, Dr. David Pierce, Mr. Dave Preble, and Mr. Terry Stockwell. They were supported by staff members Mr. Tom Nies, Ms. Talia Bigelow, Ms. Anne Hawkins, and Ms. Lori Steele (NEFMC), Mr. Mark Grant, Mr. Tom Warren, and Ms. Melissa Vasquez (NMFS NERO), and Mr. Gene Martin (NOAA General Counsel).

Discussions were guided by the draft Framework 46 management measures, PDT conference call reports from February 17 and March 7, 2011, and a diversity goals strawman document.

#### **Framework 46**

Council staff presented information on observer data in the midwater trawl (MWT) fleet, which was only available through October 2010, and additional information on haddock behavior. That presentation is available on the NEFMC website. The Committee then reviewed and refined measures in the draft Framework 46 document, with the intent of narrowing measures for PDT analysis and choosing a preferred alternative at their April 2011 meeting.

Option 1 in the document was the No Action alternative. This option was highlighted but not discussed in detail because it is already familiar to the Committee. Option 2 was the same as Option 1, but with adjustable cap based on observer coverage levels. Staff explained that the coverage level is constantly changing, and that if it were based on realized observer coverage, there was no way to know with certainty what the cap would be prior to the start of a year. To address some of the problems associated with that, the PDT developed the proposed option to base the cap on the expected coverage level at the start of the fishing year. The Committee did not object to this approach. Staff also explained that the PDT assumed the baseline for this option would be the same as in Framework 42, and the Committee concurred. NOAA General Counsel advised that a rationale would be necessary for whatever baseline was chosen, beyond just stating that it was a continuation of the number chosen in a previous framework. Council staff noted that was difficult and cited the latest PDT report, which looked at different ways to approach an appropriate cap and concluded that none worked well. There was no relationship between haddock caught and herring landed, and no way to predict haddock catch levels. Only a very short time series (~2004-2006) was available with enough observer coverage to do those analyses. In order to adjust the cap, the PDT's idea was to use the observer coverage levels predicted by the SBRM process, although the numbers do not exactly line up with the goals of this Option. The PDT could try to refine the formula by the April Committee meeting. The predicted number of SBRM days in FY 2011 should also be available by that meeting, although NEFOP was still waiting for budget information. The overarching concern with this option would be what to do if observer coverage were to drop to very low levels. Options for coverage levels in the herring

fishery are still being fleshed out in Amendment 5, but Council herring staff noted that it was safe to assume that levels will not decrease to less than current numbers.

Committee members stated that it might make sense to pick a preferred alternative and then develop a rationale rather than the other way around. Ms. Murphy noted that NMFS has commented that it is unlikely that there will be 100% observer coverage in Closed Area I in future years. Other members expressed discomfort with this option given that observer coverage levels would not be known for future years. One Committee member asked whether it would make sense to include all of Closed Area I in Figure 6 of the draft document, and there were no objections to doing so.

Ms. Murphy asked whether it was possible to get preliminary information by stock area from the Observer Program, since the option relied entirely on that information. Ms. Van Atten (NEFOP) replied that it would be possible if they knew ahead of time with sufficient time to adjust electronic data collection. They would have to be getting tow-level (lat/long) information. Expanding the observer data to get effort data might take longer. Council staff noted that this option would not require expansion by any effort measure.

Public comment included:

- Gary Libby, Port Clyde Fisherman: I noticed the possibility of the decreasing ACL for GOM and GB haddock in the next few years. The document does not have any option with an incentive to avoid haddock. One example of an option with such an incentive could be to guarantee an observer when haddock are in closed areas.
- Mary Beth Tooley, NEFMC: Is the herring fishery sub-ACL 93% of the ABC because of management uncertainty? (Staff responded that it was). Could that uncertainty level be changed in this framework?
- Maggie Raymond, Associated Fisheries of Maine: Option 2 should be discarded, even though the Committee is not picking preferred alternatives at this time.
- Eoin Rochford, NORPEL: If you look at Herring Category B Permit vessels alone, what boats carry can greatly vary. We are talking about coverage on the order of 70%. For the big Category A boats, it's closer to 100%. We have two boats and have landed just one trip of herring, but are still required to declare into the herring fishery every time we go to fish mackerel so we are not restricted to 2000 lbs of herring per trip. The observer data now shows we have been fishing herring since January. This will choke us way before we have reached the actual allocation. Remove this option unless seriously modified to get the CV up.
- Jud Crawford, Pew Environment Group: I encourage you to include a more detailed presentation of how management uncertainty is devised. There are two sources – direct estimates of catch and setting a cap, and problems with predicting what catches will be.
- Jeff Kaelin, Lund's Fisheries: I hope this would get us away from groundfish closed areas having some relevance to herring activities. Our closed area structure will be reviewed during the habitat amendment process. It is possible Closed Area I may go away, but that is not likely to have any impact on herring activities in terms of haddock. The lawsuit is still out there asking herring to be taken out of the GF closed areas.

Council staff pointed out that there are different management uncertainty levels for each species, because the Council felt that it changes for various components of the fishery. It was acknowledged that setting the uncertainty would be an iterative process. These numbers can

officially be changed in any framework, although it would make sense to do it in a specs process where performance could be measured with a more thorough analysis.

**Motion:** To move Option 2 into the considered but rejected category for Framework 46. (Mr. Stockwell/Mr. Preble)

Some Committee members opposed the motion because of a desire to see the analysis and get input from industry. Others simply felt that analysis would be a waste of time because the option would not be viable and the industry would not know the cap until too late in the year.

Public comment included:

- Mary Beth Tooley: I think this option could work, but it is extremely complicated and administratively difficult. You would never know how many fish you will have. The general idea had merit but it does not work when all spelled out.
- Ben Martens, CCCHFA: This should not be removed at this point. We need some options in here that do not automatically give more haddock away, and should see analysis.

The motion **carried** on a show of hands (7-3-1).

Option 3 in the draft document was different from the previous two options, in that it focused solely on the MWT fleet since that appears to be catching nearly all of the haddock in the herring fishery. It also represented a stock-specific cap, based on 1% of the GB haddock ABC and 1% of the GOM haddock ABC. Catches of haddock would be estimated based on an expansion from observer reports.

Public comment included:

- Gary Libby: The stock areas are separated. I understand the need for raising the limits on GB, but the GOM stock is not as robust. Maybe we should leave GOM at 0.2% because herring boats do not catch as much haddock there as on GB.
- Eoin Rochford: Who is catching the “other fisheries” 4% of the commercial sub-ABC, and how much of it has been caught? It seems punitive for the midwater trawl fishery to be capped at 0.2%, which is a volume fishery, when other fisheries are allowed 4% and it is not known what they are catching. That is very strange.

Council staff explained that the 4% “other fisheries” sub-ACL accounted for all fisheries that may catch groundfish that are not included in another ACL component, and that it was not possible to know how much of that was caught before the end of the year.

The Committee then reviewed Option 4 in the draft document. That option would include the haddock catch by the herring fishery in the “other fisheries” ACL sub-component. It was not clear whether there would be an appreciable biological impact on GB haddock biomass at least in the near future since the ACL was consistently under-harvested.

A Committee member expressed concern that if this option was implemented, other fisheries could be penalized or shutdown in the case of an overage by the herring fleet. It would apply to limited access herring vessels, which are already required to report through IVR, and add the requirement that they report haddock kept catch by gear and stock area in order to expand observer data.

There was some discussion over whether herring vessels can keep haddock, and whether this may promote directed fishing. In many fisheries, it is prohibited. The option as written does not change what vessels are allowed to keep, but requires herring vessels to report what they have kept. Council staff noted that this should be clarified in the option. The status quo requires Category A and B herring vessels to keep haddock, but the Committee could consider changing requirements for possession. A Committee member felt that this option may not comply with Magnuson Act requirements to minimize bycatch, and Council staff responded that the definition of bycatch in the law is discarded fish rather than incidental catch. The analysis has not been completed on whether this would lead to an increase in bycatch. It was also difficult to predict whether the total tonnage of catch allowed by this option would be greater than in Option 3. This option does not allocate a specific amount of haddock to the herring fishery. The maximum amount allocated would be up to 4% of the ABC, and that would assume that the other fisheries caught no haddock and ignore other provisions of the plan including the 1% cap in closed areas. Some Committee members stated that they were nervous about whether this option would provide an appropriate disincentive to catch haddock and whether there could be any meaningful bottom line if measures reacting to a potential overage would take several years to implement.

Public comment included:

- Mary Beth Tooley: I hope that nobody is swayed one way or the other on this option until we have some analysis. We now have separated stock areas, and what may be appropriate in each could be quite different. That could be Option 3 for GB and Option 4 for GOM. We encounter haddock primarily in GB, not GOM, and data will support that. Midwater trawl activity in 2010 in the GOM operated for about 5-6 weeks. They were prohibited from June to September, and prohibited in the states before June. There is a very short window, even if the TAC went up. We should report by gear type. The purse seine fishery catches almost no haddock. The MWT fishery in GOM only catches occasional haddock, unlike on GB where the stock is different. The raised footrope whiting trawl fishery in GOM has a much higher percentage of bycatch. Keep all of that in mind.
- Jeff Kaelin: Thanks to the PDT for recognizing these solutions benefit the mackerel fishery too. The Sustainable Fisheries Coalition has made a commitment to the bycatch avoidance program at SMAST in Amendment 5 to avoid river herring interactions. It was built to resemble the SMAST project on the scallop fishery. That could be something we could develop here too. There is a framework placeholder in Amendment 5 for this. The Scallop Committee is embracing the SMAST bycatch avoidance program in the scallop fishery as a proactive AM. We have already modified fleet behavior to avoid haddock by essentially not going to GB this year, which is unreasonable.
- Jud Crawford: This option appears to me like eliminating the cap. I don't understand how the Council or NMFS can respond if there is an overage given that there is no AM. Is there any way to respond quickly in a situation where some vessels are encountering haddock at high rates and hitting up against the 5%? Now the industry tells us there is an incentive to cut down fishing when haddock rates are high, but that would not work here.
- Ben Martens: This option is way too lenient, and does not have any teeth. The bycatch avoidance program is a great idea and every industry should be looking into it. There needs to be a reason to avoid that bycatch. You are trying to push the fleet a little further offshore and avoid haddock with this framework, but this option does neither. It is fine to leave it for further analysis, but you need to realize what this actually means for the haddock that are out there and for the future of the groundfish fishery.

- Eoin Rochford: I knew we were destined to failure with the 0.2% cap. Last fall we only got 5000 tons of haddock for the herring fishery. If you want to put the fishery out of business, go with the most restrictive option. We are not out to catch haddock and don't want to catch haddock at all. Putting us to a higher standard than any other fishery out there is wrong and against Magnuson. The objective is to achieve OY. There were only two major incidents last year, and we took it upon ourselves to restrict ourselves from fishing because we could not afford a third.

A Committee member noted that reporting requirements may need to be extended to every vessel that participates in an exempted fishery in order to know when the 4% cap was reached, or else this option would simply create a soft TAC.

**Motion:** To direct the PDT to include a sub-option in Option 4 that would act as AM to trigger Option 3 if in any one year it became apparent the herring MWT fleet caused the 4 percent threshold in the other subcomponent category in the groundfish fishery to be exceeded. (Mr. Odlin/Mr. Stockwell)

**Motion as perfected:** To direct the PDT to include a range of AM sub-options in Option 4 including an option that would trigger Option 3 if in any one year it became apparent the herring MWT fleet caused the 4 percent threshold in the other subcomponent category in the groundfish fishery to be exceeded. (Mr. Odlin/Mr. Stockwell)

The Committee supported this motion because of concern that it could take several years to respond to an overage under Option 4 without a backstop. Concern was expressed that it would not be possible to ascertain whether the herring fishery had "caused" the overage unless they caught the entire 4% of the allocation. However, if another fishery had clearly caught well above what was expected of them it may be unfair to punish the herring fishery by implementing a hard cap in response. The maker of the motion clarified that under this sub-option, if Option 3 was triggered, it would be permanent and not just in the year following the trigger event. Due to the complexity of the sub-option, the PDT Chair said that the PDT would look to flesh out one or two sub-options and bring them back to the Committee at their next meeting. The Committee agreed that the PDT should have the flexibility needed to design a workable measure.

Public comment included:

- Mary Beth Tooley: I support the motion and the intent. One of the things the industry wanted in the analysis is to see how our mortality of haddock is relative to other fisheries in the region that make up the subcomponent. Hopefully this will produce information on that.

NERO staff noted that analysis of whether the cap was reached could start during the fishing year but could not be completed until the data from all fisheries was completed at the end of the year. In the herring fishery, catch is reported through VTR and there is a one-year time lag between reporting of catch and implementation of AMs in the case of an overage. Council staff pointed out that it may be possible to devise different criteria to make this response happen more quickly. A few Committee members stated that they would support the sub-option for analysis but would not support Option 4 because it would allow an overage event and would not incentivize reduction of incidental catch.

The motion **carried** on a show of hands (11-1-0).

## **Amendment 16 Lawsuit Review**

NOAA General Counsel staff provided the Committee a brief update of the status of the lawsuit. Oral arguments were completed in the District Court in Boston and both parties are now awaiting a decision from the judge. It is not known what the outcome would be if the judge were to find in favor of the plaintiffs, although it is possible for courts to have separate proceedings to determine an appropriate remedy in that type of situation. Another portion of the case is being tried in D.C. and is not yet at the oral argument stage.

## **Sector Review Workshop**

The Committee discussed the sector review workshop that was on the Council's priorities list for this year. They asked when the FY 2010 sector data would be available for review, and were answered by NERO staff that it was expected that data reconciliation was expected to occur by mid-June so that rollover of overages and underages could occur by July 1<sup>st</sup>. The final sector reports would be due in a reasonable time after that date, but raw numbers should be available for the public by July 1<sup>st</sup>.

One Committee member expressed that the workshop should use the sector reports as a primary source of information for the workshop after giving the sectors an opportunity to evaluate their successes and failures, and thought that the focus should be on sectors getting together to discuss accomplishments and challenges. He recommended reviewing performance in the context of the performance measures assembled by the NEFSC. NERO staff commented that the confidentiality of sector reports was an evolving issue, and was not yet sure what information could be released and under what form. NERO would likely perform a first run-through of sector reports in order to remove identifiable information.

The Committee identified the problem that the sector reports and the allocative effects/fleet diversity paper were closely interrelated and it was difficult to tease out which elements were appropriate for which paper and workshop. The catch shares workshop was likely to take place in October, so the Committee wanted to have the sector report workshop after the sector reports were available and before that one. The Committee Chair felt that it might be necessary to have a part of the Committee or the Executive Committee talk about how to fit the reports into the "lessons learned" workshop. Several Committee members thought it made sense to look at performance of the groundfish sectors before the broader catch shares workshop.

One Committee member proposed the following as a list of examples for factors to measure sector performance: an analysis of the cost of sector operations if charged as proposed; tracking leasing of fish in and out of sectors; governance in individual sectors; discussion of monitoring methods; and whether any simplifications were possible. Others recommended comparing actual results to the goals for sectors that were described in Amendment 16.

**Motion:** that the GF Committee ask the Executive Committee and/or Council to schedule a Council meeting in July to receive reports directly from the sector managers. (Mr. Odlin/Mr. Stockwell)

NERO staff noted that sector managers had a lot of work in July, including starting the new fishing year, working on the FY 2010 annual reports, and drafting operations plans for FY 2012.

Public comment included:

- Peter Shelley, Conservation Law Foundation: We support sectors and competition. It is striking to reflect that the public, Council, and NMFS have a relatively limited window into sector performance and operations. We have EAs and operations plans, but the real operational documents are the contracts and other unwritten rules that may exist within sectors, when sectors are controlling the access of 98% of fishermen to a public resource. There is an appeal to have this be a black box for contracts, but sectors do not own the resource. Somewhere in this workshop the Council needs to look at whether there should be some prohibited practices in contracts: terms that are against public policy. This is nothing negative against the Seafood Coalition, but when one group has control over 12 of the sectors you cannot freely choose to move to another sector because there may be limitations.
- Maggie Raymond: Inviting sector managers to speak to the Council is a good idea, but you have to be realistic in terms of what information they will provide. They will likely only provide what is required to be in the annual report. You should go to the boards of directors, request the presence of the manager, and ask what questions you want to know. The boards can respond any way they want. For the performance review as a whole, there was an outside workshop with some fishing people and Council staff talking about what kind of items should be in that.
- Michael Love, Fishing Boat Owner (Portland, ME): We need to have a lot more openness and transparency. There are many issues going on. You represent the public running this show, you should be able to ask questions and get answers. The public should be able to know where quota went and how much was paid for it. Real estate transactions like this happen all the time, so it is not groundbreaking.
- Pat Kavanagh, Dragger (New Bedford, MA): There is a problem with control of the fish and quota. I want to draw your attention to a letter in the correspondence package.

A Committee member noted that other organizations were also performing sector reviews and hoped that the Council staff was involved in that work and not duplicating effort. He stated that the ultimate goal should be an analysis of what is going on within and between sectors and how they affect individual people. Another member thought the meeting would be a waste of time if sector managers would not readily answer questions, and NOAA GC staff advised that the workshop could not be held under a closed session unless it involved personnel or litigation issues. The Committee member thought that sectors, as corporations, may be interested in secrecy. Others feared this was true but still valued providing the opportunity for open exchange and noted the importance of asking the correct types of questions.

The motion **carried** on a show of hands (11-0-1)

The Committee chair clarified that this meeting would take place prior to the Council's preparation of the sector review paper.

### **Diversity Goals**

The Committee Chair explained that there had been a lot of questions on whether the Committee intended to make decisions on goals and objectives at this time. That was not the intent of this agenda item, but rather to have staff continue to work on this as time allowed and keep the Committee informed of the progress and get feedback whether these were the things that

ultimately should be looked at. A Committee member felt that the previous conversation highlighted that the Committee is ahead of itself on discussing diversity. Another member felt that the summary document provided was a helpful foundation, and suggested looking at the BC integrated groundfish program, which has a hold-back program that retains 80% of trawl shares to be used in ways that are consistent with set objectives. It was suggested that such a program could also be considered based on the growth of shares and stocks.

The Chair clarified that it would not be necessary to prevent staff from working on this, since their attention would be turned elsewhere anyway. A member noted that if the Committee waited until the workshop is held to discuss this issue, it would not be possible even to reference this document or potential goals. He felt that waiting six months would work against the best interests of the industry, especially those suffering the consequences of consolidation, and that the Committee was in a position to further conversation on these issues. Ms. Murphy noted that the Regional Administrator was on the record at the Council meeting trying to push the Council to continue work on this, and that the staff needed direction in order to do work. In response to a question, she also stated that the publication of the control date for accumulation limits would likely occur very soon.

**Motion as perfected:** To recommend to the Council to postpone further Committee discussion of accumulation caps until after the July sector workshop. (Mr. Stockwell/Mr. Preble)

Public comment included:

- Brett Tolley, NAMA: A lot of work has been done on this issue since April, and has gone into a report already done to analyze goals and objectives around this discussion. Delaying this process further will make it even more of a challenge. Addressing goals and objectives after the numbers are out does not really make sense. Address excessive consolidation of fishing rights was a goal before Amendment 16.
- Michael Love: There are a lot of fishermen fishing right now that cannot come to meetings like this. They are all scared to hell about what is going on in this business. The consolidation happening is incredible. Look at what has happened around Maine – they have all gone south and there will be nothing left. If you wait until something is done to put the breaks on this, it's going to be way too late. I wish everybody would give this a thorough hearing. These problems that have their root in a plan that was rushed through quickly and some things should have been looked at preceding implementation.

A Committee member noted that boat brokers had told him this was the worst year in a long time for sales of boats and permits. He stated that there would be very little trading were it not for permit banks, that factory trawlers cannot come to the east coast because boats cannot be over 165 ft., and that the economy would not support a frozen market. Another noted that the MAFMC is looking at excessive accumulation, and thought their report may offer insights.

The motion **carried** on a show of hands (8-3-1).

Council staff clarified that at the next Committee meeting they would bring an outline for a report on the first year of sectors, but that it would not contain any elements of issues related to diversity or allocation.



## Southern Cod

The Committee discussed an area in Southern New England that was experiencing a surge in recreational fishing on cod due to unusually high catch rates. There was concern that this fishery had few regulations, and vessels were coming from outside to the area. The fishery had developed into a nighttime fishery, which was previously unheard of. A closure such as the Whaleback closure may not be effective because the vessels that had come from elsewhere would leave. A Committee member thought it would be prudent to ask the SSC if this was actually the GB cod stock, or whether it may be a separate stock such as the old SNE/Nantucket Shoals stock.

**Motion:** To recommend the Council include an option in FW 47 to create a ten cod bag limit on all recreational vessels (including party/charter vessels) for GB/SNE/MA Atlantic cod.  
(Mr. Goethel/Mr. Preble)

**Motion as perfected:** To recommend the Council include an option in FW 47 to create a cod bag limit on all recreational vessels (including party/charter vessels) for GB/SNE/MA Atlantic cod.  
(Mr. Goethel/Mr. Preble)

Public comment included:

- Chris Cullen, Island Current Fleet: Our vessels have an impeccable track record with zero violations. In RI, not one fish on a boat has been documented by DEM. Any violations found were by individuals only. On board each of our boats we post minimum sizes and enforce a 10-fish bag limit to preserve the fishery. Our trips are 12 hours, and fishing has gotten better each year. These are not spawning fish, they have been feeding at night, and their presence varies from year to year.
- Pat Paquette, Recreational Fishing Alliance: I was one of the people who helped lead the charge for a cod conservation zone in MA. Then, the party/charter operators were screaming because we had totes of fish filled with milt. Many of our members are not seeing that in this fishery. We don't believe they are in spawn. It is a legitimate fishery, not the same as what we did with the cod conservation zone. We need research to find out what is really going on. Everybody supports putting a limit on it, and is aware that we do a lot of damage quickly when a fishery gets hot. This has to be fast-tracked.

A Committee member highlighted that if this was an option in FW 47 that it would not be implemented until May 2012. Another asked whether a cooperative tagging program would be helpful like the one being conducted in Maine. Council staff noted that the NRCC will talk about terms of reference for the cod assessment in December, and that one being considered was to examine stock structure. The Committee also asked that input be solicited from the Recreational Advisory Panel.

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

## TMGC

There has been some interest in looking into the possibility of trading quota of the stocks managed by TMGC with Canada. Over the past years, the TMGC has had difficulty agreeing on catch levels for GB yellowtail flounder, and staff noted that trading part of the allocation of this stock for allocations of other stocks with Canada may be desirable. Staff asked the Committee

whether it was something about which they should be developing information. NOAA GC staff advised that there was not likely to be any legal barrier if such trading were to occur under the Understanding in an informal way, but that the issue would be further examined. By consensus, the Committee directed staff to draw up some pros and cons for consideration by the Committee. The goal would be for the Council to inform the U.S. members of the TMGC whether the Council was supportive of this or not before the TMGC in September.

## **Other business**

### *RSC Meeting Follow-Up*

The Chair of the Research Steering Committee alerted the Committee to a recommendation from the RSC to have separate gear codes for different separator trawls so that the proper discard rates can be applied to those trips. Ms. Murphy stated that NERO is meeting to discuss this issue but that the exact status was unknown. She suggested that the Council should write a letter to recommend using this gear code, and the RSC Chair would contact Council staff to make sure the letter goes to NMFS.

### *Framework 45 Proposed Rule – Modification of Common Pool Trip Limits*

A Committee member raised the issue that the FW 45 proposed rule set very low trip limits for the common pool for the beginning of the fishing year. For some operators, the cost of fuel would exceed the value of fish and they would prefer to have a higher differential counting rate along with a higher trip limit or to reopen sector rosters now that the proposed trip limits were known to be much lower than at the start of the last season. Council staff noted that comments could be prepared by the Committee before the following days' comment deadline, but that it had not already been done. NOAA GC staff was uncertain whether the Committee should be commenting without Council approval. It may be better to state such a letter in terms of issues raised at the meeting that were being passed along. By consensus, the Committee agreed to have staff write this letter. They also noted that if a boat is sold prior to April 30<sup>th</sup>, it can be enrolled in a sector for FY 2011, and that NMFS had the authority to change the enrollment date into sectors.

Public comment included:

- Carl Bouchard, F/V Stormy Weather: I have been trying to find out for months what the FY 2011 fishing limits will be. We were advised there may be a differential DAS counting rate. Last Thursday the RO staff told me the proposed trip limits and that the comment period ends tomorrow. Four species are proposed at trip limit that is almost impossible to stay below without causing excessive discards. You need to change the DAS counting rate instead. With this much of a reduction, people in the common pool should have an opportunity to join a sector.

### *Proposed Rule on Sector Operations Plans*

A Committee member asked fellow members to look at the economic impacts of the requested exemptions in the proposed rule, particularly the economic impacts on regulated small entities enrolled in a sector, for ongoing analysis. He hoped that the Council's sector review report would incorporate this analysis.

*Public Comment*

Jud Crawford of Pew Environment Group expressed concern that the range of options in FW 46 only looked at ways to increase haddock bycatch, and none incentivized bycatch avoidance. He felt that it was important to include a full range of options that encouraged fishing offshore and in a manner where the haddock bycatch was none to low.

The meeting adjourned at 4:38 p.m.

