

**Council Groundfish Discussion Organization
September 3-4, 2008
Providence, RI**

Wednesday, September 3, 2008

- 2:00 p.m. Groundfish Assessment Review Meeting (GARM III) report:
NEFSC, Dr. Paul Rago
- 2:45 p.m. GARM III assessment questions
- 3:45 p.m. Break
- 4:00 p.m. 2008 Trans-boundary Resource Assessment Committee (TRAC) report:
NEFSC, Loretta O'Brien
- 4:15 p.m. 2008 TRAC questions
- 4:30 p.m. Trans-boundary Management Guidance Committee (TMGC) discussion
Mr. George Lapointe
Mr. Rip Cunningham: Groundfish Committee Motion #1
- 5:30 p.m. Adjourn

Thursday, September 4, 2008

- 8:45 a.m. Groundfish Plan Development Team preliminary advice on needed
mortality adjustments
Council staff
- 9:15 a.m. Development of Council advice on measures to meet mortality objectives
Rip Cunningham
Groundfish Committee motions 2, 3
- 10:30 a.m. Break
- 10:45 a.m. Resume discussion
- 11:15 a.m. Pending Groundfish Committee actions for Amendment 16
Rip Cunningham
Groundfish Committee motions 4-7
- Noon Lunch Break
- 1:10 p.m. Resume discussion (if necessary)

2:15 p.m. Other Amendment 16 development issues

2:30 p.m. Break

2:45 p.m. Interim action discussion
Rip Cunningham
Groundfish Committee motions #8

3:45 p.m. Other business
Council Chair

**New England Fishery Management Council
Groundfish Oversight Committee Report
September 3-4, 2008
Groundfish Committee Motions**

To facilitate Council discussion, the Committee chair will make the following numbered motions. Many motions will incorporate several outstanding Committee motions. Each element is identified by a letter to simplify reference during Council discussions. Motions are listed and numbered in the order they are expected to be offered.

| # | Motion | Source | Draft Amendment Location |
|--------------|--|--------------------|--------------------------|
| <i>US/CA</i> | | | |
| 1 | The Council requests a new benchmark assessment for all of GB cod to be conducted with the Canadians as soon as possible and to be completed in time for next year's TRAC. | 08/26/08 Committee | N/A |

| # | Motion | Source | Draft Amendment Location |
|------------------------|--|---------------------|--------------------------|
| <i>Effort Controls</i> | | | |
| 2 | The Groundfish Oversight Committee recommends that the following effort control measures be included in the development of draft Amendment 16: | | |
| 2A | To recommend to the Council to have an option in the document to permanently have an 18 inch minimum size for haddock. | 5/13/08 Committee | p. 71 |
| 2B | To recommend to the Council to allow vessels to fish in the yellowtail SAP area on eastern GB with haddock separator trawls, eliminator trawls, five point trawls, and hooks to catch haddock. | 5/13/08 Committee | p. 71 |
| 2C | To forward as effort control Option 5 an option using a 24 hour clock, with trip limit for each stock determined by dividing the ACL by an estimate of the DAS that would be used in each stock area. | 6/2/08 Committee | Not yet incorporated |
| 2D | To direct the PDT to continue development of effort control measures to address GARM III results and recommendations and avoid options that will promote a shift of fishing effort inshore and/or increase discarding. | 8/26/2008 Committee | Not yet incorporated |
| 2E | That the PDT develop measures that encourage the harvest of healthy stocks. | 8/26/2008 Committee | Not yet incorporated |
| 2F | To have the PDT develop an alternative that relies on differential counting of DAS and does not include any trip limits. | 8/26/2008 Committee | Not yet incorporated |

| # | Motion | Source | Draft Amendment Location |
|--------------------------------|--|--------------------|-----------------------------|
| <i>Accountability Measures</i> | | | |
| 3 | The Groundfish Oversight Committee recommends that the following Accountability Measures (AM) be included in the development of draft Amendment 16: | | |
| 3A | To recommend to the Council that there be no in-season accountability measures. | 5/13/08 Committee | |
| 3B | To recommend that the Council adopt the annual AM adjustment language described in the May 12 PDT memo paragraphs E, F, and G, but to estimate catches through February (ten months of catch data). The first such adjustment would be made for FY 2011. Adjustments will be made in accordance with PDT guidance approved by the Council. | 5/13/08 Committee | p. 87 |
| <i>Recreational Fishery</i> | | | |
| 4 | The Groundfish Oversight Committee recommends that the following recreational fishery measures be included in the development of draft Amendment 16: | | |
| 4A | That for the recreational measures, if mortality has to be decreased that size limits will be adjusted, followed by changes in bag limits, followed by changes in the season. If mortality can be increased, the reverse order will be used. | 6/2/08 Committee | Not yet incorporated |
| 4B | Recreational fishery accountability measures will be Council adjustments to minimum sizes, bag limits, and/or seasons set for the following year to account for previous year's overages of recreational fishery ACLs, using a three year running average of MRFSS data (or its replacement system). | 6/2/08 Committee | p. 88; not yet incorporated |
| 4C | To recommend that the Council remove the recreational/commercial allocation options as currently shown in Amendment 16. | 08/26/08 Committee | p. 76; not yet incorporated |
| 4D | The Committee recommends that for any stock not fully utilizing the ACL after deduction for state landings, and/or any stock where recreational catch is less than five percent, the Council should not do a commercial/recreational allocation at this time. | 7/18/08 Committee | p. 61; Not yet incorporated |

| # | Motion | Source | Draft Amendment Location |
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| 4E | <p>In those cases that meet the five percent requirement for an allocation, consider the following options for years to determine the allocation:</p> <ul style="list-style-type: none"> • GOM cod, GOM haddock, Pollock: FY 96-06 or FY01-06 • GB cod: FY 96-06, or no allocation • SNEMA WFL: FY 82-06 • GOM WFL: FY 82-06, or 50 percent of the available catch. | 08/26/08 Committee | p. 61; Not yet incorporated |
| 4F | <p>Recreational fishery accountability measures will be Council adjustments to minimum sizes, bag limits, and/or seasons set for the following year to account for previous year's overages of recreational fishery ACLs, using a three year running average of MRFSS data (or its replacement system).</p> | (6/2/08 Committee) | p. 61; Not yet incorporated |
| 4G | <p>For evaluating recreational ACLs, calculate the three year average of ACL and compare it to the three year running average of catch.</p> | (7/18/08 Committee) | p. 88 |
| <i>Annual Catch Limits</i> | | | |
| 5 | <p>When setting ACLs, no deduction for state waters catch by federally permitted commercial and federally permitted party/charter vessels.</p> | (7/18/08 Committee) | p. 59, but needs further explanation |

| # | Motion | Source | Draft Amendment Location |
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| <i>Sector Policy Issues</i> | | | |
| 6 | The Groundfish Oversight Committee recommends that the following sector policy measures be included in draft Amendment 16: | | |
| 6A | That all Amendment 16 sector policy revisions will be implemented in FY 2010. | (6/2/08 Committee) | p. 41 |
| 6B | That sectors be prohibited from landing pout or windowpane flounder. | (5/13/08 Committee, Tabled 6/4/08 Council) | p. 50 |
| 6C | That sectors not be required to adhere to additional mortality controls adopted by Amendment 16, such as year round and seasonal closed areas, gear requirements, and differential DAS counting. | (5/13/08 Committee) | p. 50 |
| 6D | That the assumed discard rate will be from the latest assessment, by gear type, and the discard will be added to the landings for each trip to track the sector's catch of ACE. To include an additional option: using available observer data, observed trips would be used to calculate a sector-specific discard rate. | (5/13/08 Committee) | p. 54 |
| 6F | That current sector members be allowed to lease any multispecies DAS within the length/horsepower baseline requirements. | (6/2/08 Committee) | p. 51 |

| # | Motion | Source | Draft Amendment Location |
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| <i>Sector Monitoring</i> | | | |
| 7 | The Groundfish Oversight Committee recommends that the following sector monitoring measures be included in draft Amendment 16: | | pp.53-55 |
| 7A | <ol style="list-style-type: none"> 1. For the first and second year of Amendment 16, Option 2A and B (dockside monitoring) (Archipelago Phase 1 report page 22). Assumed discard rates to be used in both years unless a sector through its own independent monitoring system provides accurate information for use of actual discard rates. 2. For third year of implementation, Option 3A and B (dockside monitoring and at-sea monitoring (Phase I report page 25). | 7/18/08 Committee | Not yet incorporated |
| 7B | The primary goal of observers for sector monitoring is to verify area fished, catch, and discards by species, by gear type. This data will be reported to the sector managers and to the NMFS. | (7/18/08 Committee) | Not yet incorporated |
| 7C | In the event a NFMS observer and a third party observer are assigned to the same trip the NMFS observer will take precedence and the third party observer will stand down. | (7/18/08 Committee) | Not yet incorporated |
| 7D | Dockside monitoring program is meant to verify landings of a vessel at the time it is weighed by a dealer to certify the landing weights are accurate as reported on the dealer report. | (7/18/08 Committee) | Not yet incorporated |
| 7E | The Council accepts the concept of a broadly defined sector monitoring requirements alternative. | 8/26/2008 Committee | Not yet incorporated |
| 7F | Any sector monitoring program adopted will not replace the current VTR and dealer reporting requirements of the existing law. | 8/26/2008 Committee | Not yet incorporated |

Other Business

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| 8 | <p>That the Council request that the NMFS implement an interim rule focused on adjustments to the DAS allocation in response to GARM III. The Committee recommends that the Council should prioritize measures for sectors and other mitigating measures in Amendment 16 rather than the DAS allocation. The Committee also recommends that the Council should support interim rule provisions for the DAS allocation to stand for the duration of FY 2009.</p> <p>NMFS should first look at 0 retention of ocean pout, Northern windowpane and southern windowpane flounder, halibut, SNE/MA yellowtail flounder, SNE/MA winter flounder, GOM winter flounder, and CC/GOM yellowtail flounder. The NMFS should include as mitigating measures: 18 inch haddock minimum size, extend the USCA haddock SAP, expand the CAI hook SAP, and remove the tax on DAS transfers. Scallop and fluke fishery will require 0 retention of all groundfish, and look at gear restricted areas to minimize bycatch of SNEMA yellowtail and SNEMA winter flounder. Further to also look at an appropriate trip limit for GB cod, white hake, and pollock, and to look at these items first and then determine DAS reduction necessary.</p> | 08/26/08 Committee | N/A |
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| <i>Motions Not Being Brought Forward</i> | | |
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| | Motion | Reason |
| | To eliminate rolling closures from the list of universal exemptions for sectors. | <i>Tabled</i> 1/24/08 Council – Council chose not to act on this suggestion. |
| | to include as Amendment 16 alternatives the accountability measures for common pool vessels, recreational vessels, and sectors as described in the Amendment 16 Summary of Measures under Consideration. <i>(The motion was tabled and the Council tasked the Groundfish Committee with developing one or more accountability measures as specified in Section 3.4.1.2.)</i> | 2/13/08 Council. Work ongoing to follow tasking from Council. |
| | To recommend to the Council to use the 1996-2006 time period for both pollock and GOM haddock for setting the recreational commercial proportions. | 5/13/08 Committee. Committee acted 8/26/08 to organize this, and similar, recommendations. |
| | the document include as an option that the commercial/recreational allocation be based on FY 2001-2006 for GOM cod, GOM haddock, and pollock. | 6/2/08 Committee. Committee acted 8/26/08 to organize this, and similar, recommendations. |
| | To include an option that the Council does not adopt a recreational/commercial allocation for GB cod in Amendment 16. | 6/2/08 Committee. Committee acted 8/26/08 to organize this, and similar, recommendations. |
| | Refer section 3.1.6 (Mortality/Conservation Controls) back to the Groundfish PDT for further review and recommendation. | 4/16/08 Council; guidance to PDT |
| | The PDT should examine 500 lb trip limits to 0 lbs trip limits for white hake, SNEMA yellowtail flounder and SNEMA winter flounder. <i>(Council action not expected)</i> | 5/13/08 Committee; Committee guidance to PDT |

| Motions Not Being Brought Forward | | |
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| | Motion | Reason |
| | <p>That the Council accept for inclusion in Amendment 16 that in the event that common pool vessels fishing under the DAS management system exceed the ACL, then the following adjustments will be made in order:</p> <ul style="list-style-type: none"> • trip limits will be recalculated so the ACL is not exceeded in the following year (trip limits work for some species: examples might be Cape Cod/Gulf of Maine yellowtail flounder, Georges Bank and SNE/MA winter flounder and SNE/MA yellowtail flounder); • recalculate differential counting of DAS in areas where needed; • 'A' DAS adjustments (Category 'A' DAS reduced) <p>If an ACL is not exceeded in a given year, and the ACL will increase in the following year and it can be projected that the ACL will not be caught, for a stock under trip limits, the trip limits will be raised. On stocks where the control is differential DAS, the differential DAS rate will be decreased in area or time. ()</p> | <p>4/16/08 Council. This motion was not passed by the Council and was not tabled, but was directed to the PDT to develop a formulaic response for accountability measures that looks at DAS adjustments for the following year and an in-season adjustment.</p> |
| | <p>That the PDT analyze the recommendations of the RAP on allocation from their meeting on May 20, 2008, and that the document include as an option that the commercial/recreational allocation be based on FY 2001-2006 for GOM cod, GOM haddock, and pollock.</p> | <p>6/2/08 Committee. Committee guidance to PDT; proposed dates included in other motion.</p> |
| | <p>The Committee accepts option 2 (page 71, modifications to a CAII SAP, August 22, 2008 draft amendment) as an option for CA II SAP modifications. (Odlin/Leary)</p> | <p>8/26/2008 Committee. Committee accepted proposed language that is included in draft amendment text (see motion 3F above).</p> |

| Motions Not Being Brought Forward | | |
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| | Motion | Reason |
| | <i>Note: The next five motions were adopted to address specific alternatives developed prior to the release of GARM III results. Since those measures were designed to achieve different mortality objectives, all of the measures will have to be redesigned. It is not clear that these particular motions are still relevant.</i> | |
| | In light of the very large and excessive reductions in exploitation and very large unnecessarily lost yield expected to result from PDT-offered Scenarios 1-3 effort control alternatives estimated to provide for Amendment 13 fishing mortality reductions, the Committee recommends the Council adopt the default 18% DAS reduction and task the PDT to determine areas and times where and when gear restrictions should be required to achieve necessary reductions in exploitation for WFL (SNEMA), WIND (SOUTH), and YT (CCGOM, GBANK, and SNEMA) [Refer Table 1]. Required gear will include the raised footrope trawl (large-mesh), haddock separator trawl and the eliminator trawl, 5-pt trawl, and a minimum mesh size for tiedown gillnets in these areas. Since (1) the Amendment 13 77% reduction in white hake fishing mortality scheduled for 2009 appears to be the principal driver for decisions to unnecessarily sacrifice optimum yield for many stocks, (2) GARM III results will not be available until September, (3) and NOAA Fisheries might adopt National Standard 1 guidelines recognizing the need for flexibility in dealing with stock assemblages/complexes, the mortality reduction witnessed for white hake through the default DAS reduction will suffice for 2009. | 5/13/08 Committee |
| | To recommend to the Council that Blocks 67, 68, 84, 85, 86, 97, 98, 101, 102, 103, 112, and 113 in Option 3 be restricted gear areas instead, and that the haddock separator trawl, eliminator trawl, 5 point trawl, and stand up gillnets, monkfish gillnets, raised footrope trawl, and hook gear be used in those areas. | 5/13/08 Committee |
| | To recommend to the Council that, since eastern GB is under a hard TAC on yellowtail, cod and haddock, the area for Figure 2/Option 2 be a 1:1 ratio of DAS counting. | 5/13/08 Committee |
| | To recommend to the Council that Blocks 97, 98, 99, 112, 113, and 114 be managed under 2:1 DAS counting. | 5/13/08 Committee |

| <i>Motions Not Being Brought Forward</i> | | |
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| | Motion | Reason |
| | Include in all four effort control options an option that includes 0 possession limit for CC/GOM yellowtail flounder, SNE/MA yellowtail flounder, and SNE/MA winter flounder. | 6/2/08 Committee |