

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Radisson Hotel, Plymouth, MA
September 29-October 1, 2015
MOTIONS

Tuesday, September 29, 2015

ELECTION OF COUNCIL OFFICERS

Chairman:

Mr. Terry Stockwell

Vice chairman:

Dr. John Quinn

Executive Committee members:

Mr. Douglas Grout

Dr. Michael Sissenwine

Mr. Peter Kendall

HERRING COMMITTEE REPORT

1. Mr. Grout moved on behalf the Herring committee:
that the Council selects Alternative 3 as the Preferred Alternative for the 2016-2018 specifications, including all items as displayed in Table 6, p. 14, of the Draft 2016-2018 Atlantic herring specifications document; adopting the New Brunswick weir payback option that would consider landings through October 1 and maintain the current seasonal splits for Areas 1a and 1b.

The motion *carried* on a show of hands (15/0/0/1) with 1 recusal.

Recusal Statement: *Ms. Tooley* - I will be recusing myself because I am employed by a company that harvests greater than 10% of the landings in this fishery.

2. Mr. Grout moved on behalf of Herring committee:
that the Council adopt River herring/Shad Alternative 3, Option 2 (weighted mean) for the preferred Alternative for the 2016-2018 River herring/Shad catch caps.

- 2a. Dr. Pierce moved to substitute and Dr. McKenzie seconded:
that the Council adopt Alternative 1 (No Action).

The motion to substitute *failed* on a show of hands (6/9/0/1) with 1 recusal.

Recusal Statement: *Ms. Tooley* - I will be recusing myself because I am employed by a company that harvests greater than 10% of the landings in this fishery.

Main motion:

That the Council adopt River herring/Shad Alternative 3, Option 2 (weighted mean) for the preferred Alternative for the 2016-2018 River herring/Shad catch caps.

- 2b. Dr. Sissenwine moved to substitute and Mr. John Bullard seconded:
to adopt Alternative 2, Option 2 (weighted mean) as the Preferred Alternative.
- 2c. Mr. Grout moved to amend and Mr. Gibson seconded:
to adopt Alternative 2, Option 2 (weighted mean) as the Preferred Alternative and to change the small mesh SNE/MA catch cap to 88.9.

The motion to substitute *carried* on a show of hands (10/5/0/1) with 1 recusal.

The motion to substitute as amended *failed* on a show of hands (5/10/0/1) with 1 recusal.

Recusal Statement: *Ms. Tooley* - I will be recusing myself because I am employed by a company that harvests greater than 10% of the landings in this fishery.

Main motion:

That the Council adopt River herring/Shad Alternative 3, Option 2 (weighted mean) for the preferred Alternative for the 2016-2018 River herring/Shad catch caps.

- 2d. Mr. Mark Alexander moved to amend and Dr. McKenzie seconded:
that the Council adopt River herring/Shad Alternative 3, Option 2 (weighted mean) for the preferred Alternative for the 2016-2018 River herring/Shad catch caps for the GOM. Cape Cod and SNE/MA catch caps will remain at the “no action” levels.

The motion to amend *failed* (5/8/2/1) with 1 recusal.

Recusal Statement: *Ms. Tooley* - I will be recusing myself because I am employed by a company that harvests greater than 10% of the landings in this fishery.

Main motion:

That the Council adopt River herring/Shad Alternative 3, Option 2 (weighted mean) for the preferred Alternative for the 2016-2018 River herring/Shad catch caps.

The motion *carried* on a show of hands (9/5/1/1) with 1 recusal.

Recusal Statement: *Ms. Tooley* - I will be recusing myself because I am employed by a company that harvests greater than 10% of the landings in this fishery.

3. Dr. Pierce moved and Mr. Terry Alexander seconded:
that because River herring/Shad bycatch in the sea herring fishery is monitored by NOAA fisheries solely from observer data, the Council requests NMFS include state port-side monitoring of River herring/Shad catch to determine that catch relative to the bycatch caps.
- 3a. Ms. Tooley moved to postpone and Mr. Terry Alexander seconded: to postpone until the December Council meeting.

The motion to postpone *carried* on a show of hand (14/2/0).

OBSERVER COMMITTEE REPORT

4. Mr. Stockwell moved on behalf of the committee:

that the Council split the omnibus elements of the Industry Funded Monitoring (IFM) Amendment from the herring/mackerel coverage target options, and further refine the omnibus elements for another review in December, at which time the omnibus elements would be reviewed/approved for public comment.

The motion *failed* on a show of hands (0/17/0).

5. Mr. Stockwell moved on behalf of the committee:
to include/develop the monitoring set-aside options in the omnibus amendment.

The motion *carried* unanimously on a show of hands (17/0/0).

Wednesday, September 30, 2015

TRANSBOUNDARY MANAGEMENT GUIDANCE COMMITTEE (TMGC) REPORT

US/CA TACS

1. Mr. Stockwell moved and Dr. Quinn seconded:
that the Council approve the TMGC recommendation for a Georges Bank yellowtail flounder TAC of 354 mt for FY 2016.

The motion *carried* unanimously a show of hands (16/0/0).

2. Mr. Stockwell moved and Mr. Terry Alexander seconded:
that the Council approve the TMGC recommendation for an Eastern Georges Bank haddock TAC of 37,000 mt for FY 2016 and a target TAC of 50,000 mt for FY 2017 (as an upper bound for FY 2017).

The motion *carried* unanimously on a show of hands (16/0/0).

3. Mr. Stockwell moved and Dr. John Quinn seconded:
that the Council approve the TMGC recommendation for an Eastern Georges Bank cod TAC of 625 mt for FY 2016.

The motion *carried* on a show of hands (13/3/0).

GROUND FISH COMMITTEE REPORT

AMENDMENT 18

Accumulation Limits

4. Mr. Blount moved on behalf of the committee:
that in Section 4.1.2 (limit the holdings of the PSC), clarify that in the event that an individual exceeds an accumulation limit, the cap would be enforced at the start of the fishing year following the year in which the cap is exceeded.

The motion *carried* on a show of hands (15/0/1).

5. Mr. Blount moved and Mr. Grout seconded:

that the Council selects, in Section 4.1.2 (limit the holdings of the PSC), Alternative 6 (limit PSC holdings to an average of 15.5% of all allocated stocks) including the option that no one stock-specific percentage be greater than 23%, and in Section 4.1.3 (limit the holdings of permits), Alternative 2 (limit the holdings of permits to no more than 5%) as the Preferred Alternatives.

- 5a. Ms. Etrie moved to amend and Mr. Grout seconded:
that the Council selects, in Section 4.1.2 (limit the holdings of the PSC), Alternative 6 (limit PSC holdings to an average of 15.5% of all allocated stocks) as the Preferred Alternative.

Motion was *withdrawn*.

- 5b. Ms. Etrie moved to split the motion and Mr. Terry Alexander seconded.

The motion to split *carried* by unanimous consent.

- 5c. First part of split motion:
that the Council selects, in Section 4.1.2 (limit the holdings of the PSC), Alternative 6 (limit PSC holdings to an average of 15.5% of all allocated stocks) including the option that no one stock-specific percentage be greater than 23% as the Preferred Alternative,

- 5d. Ms. Etrie moved to amend and Mr. Alexander seconded:
that the Council selects, in Section 4.1.2 (limit the holdings of the PSC), Alternative 6 (limit PSC holdings to an average of 15.5% of all allocated stocks) as the Preferred Alternative.

The motion to amend *carried* on a show of hands (9/7/0).

Motion as amended:

that the Council selects, in Section 4.1.2 (limit the holdings of the PSC), Alternative 6 (limit PSC holdings to an average of 15.5% of all allocated stocks) as the Preferred Alternative.

The motion *failed* on a show of hands (8/8/0) due to lack of majority.

- 5e. Second part of split motion:
that the Council selects, in Section 4.1.3 (limit the holdings of permits), Alternative 2 (limit the holdings of permits to no more than 5%) as the Preferred Alternative.

The motion *carried* on a show of hands (16/0/1).

6. Mr. Grout moved and Mr. Terry Alexander seconded:
To reconsider Motion 5d (PSC accumulation limit).

The motion *carried* on a show of hands (12/3/2)

The reconsidered motion:

that the Council selects, in Section 4.1.2 (limit the holdings of the PSC), Alternative 6 (limit PSC holdings to an average of 15.5% of all allocated stocks) as the Preferred Alternative.

The motion *carried* on a show of hands (10/6/1).

7. Mr. Blount moved on behalf of the committee:

that in Section 4.1.2 (limit the holdings of the PSC), clarify Alternative 6 (limit PSC holdings to an average of 15.5% of all allocated stocks), in the event an individual acquires a permit that places their holdings above the limit, the individual would indicate to NMFS which stocks would have PSC withheld and redistributed.

7a. Ms. Etrie moved to amend and Mr. Terry Alexander seconded:
that in Section 4.1.2 (limit the holdings of the PSC), clarify Alternative 6 (limit PSC holdings to an average of 15.5% of all allocated stocks), in the event an individual acquires a permit that places their holdings above the limit, the individual would indicate to NMFS which Permit(s)/MRI(s) that the PSC cannot be used for that year.

7b. Dr. Pierce moved to amend and no second:
that in Section 4.1.2 (limit the holdings of the PSC), clarify Alternative 6 (limit PSC holdings to an average of 15.5% of all allocated stocks), in the event an individual acquires a permit that places their holdings above the limit, the individual would indicate to NMFS which Permit(s)/MRI(s) would be cancelled, with the associated PSC's then being redistributed.

Motion *failed* for lack of a second.

Motion to amend *carried* on a show of hands (13/4/0).

Main motion as amended:

that in Section 4.1.2 (limit the holdings of the PSC), clarify Alternative 6 (limit PSC holdings to an average of 15.5% of all allocated stocks), in the event an individual acquires a permit that places their holdings above the limit, the individual would indicate to NMFS which Permit(s)/MRI(s) that the PSC cannot be used for that year.

The main motion as amended *carried* on a show of hands (12/5/0).

8. Ms. Goethel moved and Mr. Grout seconded:
to add in Section 4.1.2, Alternative 6: to prohibit individual entities from purchasing more permits once they reach the 15.5% PSC aggregate cap.

The motion *carried* on a show of hands (16/1/0).

HA Measures

9. Mr. Blount moved and Mr. Grout seconded:
that in Section 4.2.1 (establish Handgear A permit sub-ACL), the Council selects Alternative 2 (establish sub-ACL) as the Preferred Alternative. The following options are preferred:

- Discards – option A (calculate an annual discard rate using available longline/hook gear data and subtract from sub-ACL at beginning of year)
- In-season AMs – Option B (close the Handgear A sub-ACL for a stock when 90% of sub-ACL is reached)
- Reactive AMs – Option A (triggered if the ha sub-ACL is exceeded).

Additionally, in Section 4.2.2 (removal of the March 1-20 Handgear A closure), 4.2.3 (removal of the standard fish tote requirement), and 4.2.4 (sector exemption from VMS requirements), the Council selects Alternative 2 in these Sections (remove closure and tote requirements, allow exemption) as the Preferred Alternatives.

9a. Mr. Grout move to amend and Mr. John Bullard seconded:

that the Handgear A permit sub-ACL provisions under Alternative 2 of Section 4.2.1 (establish Handgear A permit sub-ACL) could be implemented via a future framework adjustment action. Additionally, in Section 4.2.2 (removal of the March 1-20 Handgear A closure), 4.2.3 (removal of the standard fish tote requirement), and 4.2.4 (sector exemption from VMS requirements), the Council selects Alternative 2 in these Sections (remove closure and tote requirements, allow exemption) as the Preferred Alternatives.

The motion to amend **carried** unanimously on a show of hands (17/0/0).

Main motion as amended:

that the Handgear A permit sub-ACL provisions under Alternative 2 of Section 4.2.1 (establish Handgear A permit sub-ACL) could be implemented via a future framework adjustment action. Additionally, in Section 4.2.2 (removal of the March 1-20 Handgear A closure), 4.2.3 (removal of the standard fish tote requirement), and 4.2.4 (sector exemption from VMS requirements), the Council selects Alternative 2 in these Sections (remove closure and tote requirements, allow exemption) as the preferred Alternatives.

The main motion as amended **carried** unanimously on a show of hands (17/0/0).

Data confidentiality

10. Mr. Blount moved and Mr. Terry Alexander seconded:
that in Section 4.3 (data confidentiality), the Council selects Alternative 1 (No Action) as the preferred Alternative.

The motion **carried** on a show of hands (14/3/0).

Inshore/Offshore Gulf of Maine

11. Mr. Blount moved and Mr. Terry Alexander seconded:
That in Section 4.4 (inshore/offshore Gulf of Maine), the Council selects Alternative 1 (No Action) as the Preferred Alternative in all sub-Sections.

The motion **failed** on a show of hands (8/8/1) due to lack of majority.

Redfish exemption area

12. Mr. Blount moved on behalf of the Committee:
That in Section 4.5 (redfish exemption area), the Council selects Alternative 1 (No Action) as the final preferred Alternative.

The motion **carried** on a show of hands (15/0/2).

Inshore/offshore Gulf of Maine

13. Mr. Grout moved and Dr. McKenzie seconded:
That the concepts in Section 4.4 (inshore/offshore Gulf of Maine) could be implemented via a future framework adjustment action.
- 13a. Ms. Goethel moved to amend and Mr. Balzano seconded:
That the concepts in Section 4.4 (inshore/offshore Gulf of Maine) could be implemented via a future framework adjustment action, except the concept of splitting Annual Catch Limits.

The motion to amend *failed* on a show of hands (4/11/2).

The main motion:

That the concepts in Section 4.4 (inshore/offshore Gulf of Maine) could be implemented via a future framework adjustment action.

The motion *carried* on a show (9/5/2).

Final Action

14. Mr. Blount moved and Mr. Grout seconded:
To submit Amendment 18 to the Northeast Multispecies Fishery Management Plan, as amended, to NMFS/GARFO for approval.

The motion *carried* on a show of hands (15/1/1).

FRAMEWORK 55

Enforcement

15. Mr. Blount moved on behalf of the committee:
to add an alternative in Framework 55 that would modify the definition of the haddock separator trawl to require that the separator panel have mesh of a contrasting color to those sections of the net that it separates.

The motion *carried* unanimously on a show of hands (17/0/0).

New Sectors

16. Mr. Blount moved on behalf of the committee:
to add an alternative to Framework 55 that would allow NMFS to approve operations plans and allocate ace to new sectors without a previous Council action to implement the sector. Consultation with the Council would occur prior to NFMS approving a new sector.

The motion *carried* on a show of hands (11/6/0).

Quota transfers

17. Mr. Blount moved on behalf of the committee:
to add an alternative to Framework 55 to create a mechanism that would allow sectors to transfer Eastern Georges Bank (EGB) cod to the Western Georges bank (WGB) cod fishery (i.e., mirror the current ability to transfer EGB haddock to the WGB haddock fishery).

The motion *carried* unanimously on a show of hands (17/0/0).

Recreational

18. Mr. Blount moved on behalf of the committee:

to add an alternative in Framework 55 to remove the zero possession limit of GOM cod for the recreational fishery (in the GOM cod protection measures), thus allowing NMFS to use its existing authority to adjust recreational measures for GOM cod and determine on an annual basis if a zero possession limit for GOM cod is still appropriate.

The motion *carried* unanimously on a show of hands (17/0/0).

At-sea monitoring

19. Mr. Blount moved on behalf of the committee:
To add an alternative in Framework 55 that the Coefficient of Variation (CV) of 30 be a target rather than a requirement.

The motion *carried* on a show of hands (12/5/0).

20. Mr. Blount moved on behalf of the committee:
to add an alternative in Framework 55 that includes performance criteria to determine whether or not it is necessary for a stock to meet the CV standard. The criteria would be stock condition, percentage of ACL harvested, and percentage of catch comprised of discards (in combination).

The motion *carried* on a show of hands (14/2/0).

21. Mr. Blount moved on behalf of the committee:
To add an alternative in Framework 55 that would remove ASM requirements for trips in broad stock Areas 2 and 4 for extra-large mesh trips targeting monkfish, skates, and dogfish.

The motion *carried* on a show of hands (16/1/0).

22. Mr. Blount moved on behalf of the committee:
to add an alternative in Framework 55 to establish sector-specific monitoring uncertainty buffers or discards rates to lower ASM coverage (Option #5 in PDT memo).

The motion *carried* on a show of hands (11/6/0).

23. Mr. Blount moved on behalf of the committee:
to add an alternative in Framework 55 to establish sector-specific coverage requirements (Option #4 in PDT memo).

The motion *carried* on a show of hands (11/4/2).

24. Mr. Blount moved and Mr. Kendall seconded:
due to time constraints and lack of details on the alternatives, the committee has the flexibility to move ASM alternatives to “considered but rejected” before the December Council meeting if some of these alternative are found to be insufficient to address Council concerns about the monitoring program.

The motion *carried* on a show of hands (13/4/0).

25. Mr. Grout moved and Ms. Goethel seconded:
to develop options within Framework 55 to implement recreational management measures for GB cod including, but not limited to, giving the regional administrator the authority to establish bag, size, and season limits following consultation with the Council.

The motion *failed* on a show of hands (1/13/2).

Thursday, October 1, 2015

GROUND FISH FRAMEWORK 55 CONT'D

1. Ms. Etrie moved and Mr. Terry Alexander seconded:
for the purpose of facilitating effective changes to the Sector ASM program through Framework 55, the Council recommends the removal of the additional internal NFMS standard of achieving a target CV on discarded pounds and directs the PDT to incorporate language into each Framework 55 alternative to clarify this Council intent.

The motion *carried* on a show of hands (12/4/1).

HABITAT COMMITTEE REPORT

2. Mr. Grout moved on behalf of the committee:
that the council initiate a trailing framework action for Omnibus Habitat Amendment 2 to develop fishery access areas for surfclams and ocean quahogs in the Great South Channel and Georges Shoal habitat management areas.

The motion *carried* on a show of hands (16/1/0).

3. Mr. Grout moved on behalf of the committee:
that the Council consider the problem statement that supports the committee's recommendation to initiate a framework adjustment: "the surfclam/ocean quahog fishery will be granted a one-year exemption for the Great South Channel and Georges Shoal habitat management areas following implementation of Omnibus Habitat Amendment 2, which will allow the New England Council to consider development of an access program through a framework adjustment for this fishery. The Council intends through this action to identify areas within the Great South Channel and Georges Shoal Habitat Management Areas that are currently fished or contain high energy sand and gravel that could be suitable for a hydraulic clam dredging exemption that balances achieving optimum yield for the surfclam/ocean quahog fishery with the requirement to minimize adverse fishing effects on habitat to the extent practicable and is consistent with the underlying objectives of Omnibus Habitat Amendment 2."

The motion *carried* on a show of hands (16/1/0).

SCALLOP COMMITTEE REPORT

4. Ms. Tooley moved on behalf of the committee:
That the Council selects Alternative 2.2, develop a specification setting process in the scallop FMP, as preferred for Amendment 19 and selects Alternative 2.3, change the start of the fishing year to April 1, as preferred for Amendment 19.

The motion *carried* unanimously on a show of hands (17/0/0).

5. Ms. Tooley moved and Ms. Patterson seconded:
that the Council directs staff to complete the draft environmental assessment for Amendment 19 and prepare it for public hearings and comment.

The motion *carried* unanimously on a show of hands (17/0/0).

SMALL MESH MULTISPECIES PROGRAM REPORT

6. Mr. Balzano moved on behalf of the committee:
to revise the 2016-2017 fishing year red hake specifications in the Northern fishery management area to be consistent with a 556 mt OFL (ABC=496 mt) and the 2016-2017 fishing year red hake specifications in the Southern fishery management area to be consistent with a 1816 mt OFL (ABC=1717 mt), using an interim change in specifications. Council approval of the change in specifications shall be contingent on the consistency of these specifications with the Scientific and Statistical Committee's ABC recommendations that are to be developed independently at a later date.

The motion *carried* on a show of hands (16/0/0/1) with 1 recusal.

Recusal Statement: *Ms. Goethel* – I will be recusing myself from the final vote on red hake as my husband may harvest greater than 10% of the landings in the Northern red hake fishery.

7. Mr. Balzano moved on behalf of the committee:
to accept the revised scoping document and recommend Council approval for public hearings.

The motion *carried* unanimously on a show of hands (17/0/0).

SKATE COMMITTEE REPORT

8. Mr. Kendall moved and Mr. Pappalardo seconded:
to initiate a framework that would include specifications and associated management alternatives in order to allow the skate committee to develop measures in time for implementation at the beginning of the fishing year.

The motion *carried* unanimously on a show of hands (17/0/0).