

**NEW ENGLAND FISHERY MANAGEMENT COUNCIL,  
Holiday Inn by the Bay, Portland, ME  
June 21-23, 2016  
FINAL MOTIONS**

**Tuesday, June 21, 2016**

**ENFORCEMENT COMMITTEE REPORT**

*Consensus statement:*

That the Council send a letter to NMFS on NOAA's OLE Priorities with comments agreed by consensus and allowing staff discretion to strike items not pertaining to the OLE Priorities.

The Council agreed by consensus.

**WHITING COMMITTEE REPORT**

*Postponed motion from April Council Meeting:*

That the Council suspend the development of limited access alternatives in Amendment 22 for the Whiting fishery.

1. Mr. Gibson moved to substitute on behalf of the committee:  
that the Council continue development of limited access provisions in Amendment 22.

The motion to **substitute** carried (9/6/1).

Main Motion as substituted:

that the Council continue development of limited access provisions in Amendment 22.

The main motion as substituted **carried** on a show of hands (10/5/1).

*Whiting committee tasking motion brought before Council for further guidance:*

To task the PDT to analyze a "Last in, first out" limited access approach:

Options: Similar to the Canadian model of last in, first out in a developing fishery; to allow for increased participation in the fishery during times of high abundance and also to allow for decrease in fishing effort by removing the last entrants into the fishery temporarily when the fishery has reached the TAC or triggered an AM.

2. Mr. Gibson moved on behalf of the committee:

that the Council consider initiating a framework adjustment to increase the whiting possession limit in the Southern Fishery Management Area from 40,000 to 50,000 lbs. during December 1 to April 30.

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

**Wednesday, June 22, 2016**

## **SCALLOP COMMITTEE REPORT**

### **RSA**

1. Ms. Tooley moved on behalf of the committee:  
that the Council approve Scallop Research Set Aside priorities for 2017/2018 as recommended by the Scallop Committee in scallop discussion document #2b.

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

2. Ms. Tooley moved on behalf of the committee:  
that the Council request a summary of all future Research Set Aside project proposals (funded and unfunded), with a summary of reviewer comments and rationale for funding decision be made available by NMFS to the public subject to existing law.

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

3. Ms. Tooley moved and Ms. Goethel seconded:  
that the Council revise its Scallop Research Set Aside Program Policy to reflect the evolution of this program.

- 3a. Ms. Tooley moved to amend and Ms. Goethel seconded:  
that the Council revise its Scallop Research Set Aside Program Policy to reflect the evolution of this program including input from stakeholders in the process.  
(*Intent*: Document 2c be adopted with changes in red type).

The motion to amend ***failed*** on a show of hands (0/14/3).

Main motion:  
that the Council revise its Scallop Research Set Aside Program Policy to reflect the evolution of this program.  
(*Intent*: Document 2c be adopted with changes in red type).

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

4. Ms. Tooley moved on behalf of the committee:  
that Framework 28 include alternatives that would modify SNE/MA and GB yellowtail flounder bycatch accountability measures to be consistent (to the extent feasible) with the gear modification accountability measure currently in place for southern windowpane flounder. This would be the lowest ranking priority.
- 4a. Mr. Sissenwine moved to amend and Ms. Tooley seconded:  
to recommend making all flatfish bycatch accountability measures consistent to the extent feasible with the gear modification accountability measure for southern windowpane flounder. In light of resource constraints with respect to FW 28, this recommendation should be considered as a priority for FW29.

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

Main motion:

to recommend making all flatfish bycatch accountability measures consistent to the extent feasible with the gear modification accountability measure for southern windowpane flounder. In light of resource constraints with respect to FW 28, this recommendation should be considered as a priority for FW29.

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

5. Ms. Tooley moved and Dr. Sissenwine seconded:  
to initiate Framework 28, an action that will set fishery specifications for fishing year 2017 and default measures for 2018, and include the following range of alternatives: 1) a measure to prohibit shell stock north of 42°20'N (NGOM), 2) adjustments to the process for setting scallop fishery annual catch limits (ACL flowchart), 3) modifications to the Closed Area I Access Area boundary.

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

## **GROUND FISH COMMITTEE REPORT**

### **Framework Adjustment 56**

6. Mr. Blount moved on behalf of the committee:  
that the Council initiate Framework Adjustment 56 to include:
- Specifications (US/CA stocks ( eastern Georges Bank cod and haddock, and Georges Bank yellowtail flounder); and witch flounder),
  - Establish a scallop fishery sub-ACL for northern windowpane flounder,
  - Modify the Atlantic herring sub-ACL for GB haddock and possibly the AM (to be discussed at Council meeting), and

- Modify Atlantic halibut management.

6a. Mr. Blount moved to amend and Mr. Terry Alexander seconded:  
that the Council initiate Framework Adjustment 56 to include:

- Specifications (US/CA stocks- Georges Bank cod, haddock, and yellowtail flounder; and witch flounder),
- Establish a scallop fishery sub-ACL for northern windowpane flounder,
- **Modify the recreational management measures process,**
- Modify the Atlantic herring sub-ACL for GB haddock and possibly the AM (to be discussed at Council meeting, and
- Modify Atlantic halibut management.

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

The main motion as amended:

that the Council initiate Framework Adjustment 56 to include:

- Specifications (US/CA stocks- Georges Bank cod, haddock, and yellowtail flounder; and witch flounder),
- Establish a scallop fishery sub-ACL for northern windowpane flounder,
- Modify the recreational management measures process,
- Modify the Atlantic herring sub-ACL for GB haddock and possibly the AM (to be discussed at Council meeting, and
- Modify Atlantic halibut management.

Main motion postponed to a time certain without objection.

7. Mr. Blount moved on behalf of the committee:  
that the Council ask NMFS to conduct an Atlantic halibut benchmark assessment.

The motion *carried* on a show of hands (14/2/1).

#### Atlantic herring and Georges Bank haddock

8. Mr. Blount moved on behalf of the committee:  
that the draft purpose and need for the Atlantic herring and GB haddock action be modified consistent with the recommendations of the Herring Committee from their June 2nd meeting.

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

9. Mr. Blount moved on behalf of the committee:  
in Section 2.1 (Georges Bank haddock catch cap for the herring fishery), recommend development of 2.1.2 (modify the cap to reflect current biomass of GB haddock), 2.1.3 (modify the cap to be a variable percentage, but with a minimum of 1%), and 2.1.4

(increase the cap with a transfer option to the groundfish fishery), consistent with the Herring Committee recommendations from their June 2nd meeting. In Section 2.1 (Georges Bank haddock catch cap for the herring fishery), add an alternative to the range to increase the GB haddock sub-ACL for the herring fishery to 1.5% of the US ABC.

- 9a. Mr. Terry Alexander moved and Ms. Tooley seconded:  
in Section 2.1 (Georges Bank haddock catch cap for the herring fishery), recommend development of 2.1.2 (consider 1.5% and 2% caps), and 2.1.4 (increase the cap with a transfer option to the groundfish fishery), consistent with the Herring Committee recommendations from their June 2nd meeting. In Section 2.1 (Georges Bank haddock catch cap for the herring fishery), add an alternative to the range to increase the GB haddock sub-ACL for the herring fishery to 1.5% of the US ABC.

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

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

10. Mr. Blount moved on behalf of the committee:  
in Section 2.2 (Georges Bank haddock accountability measures for the herring fishery), recommend development of 2.2.2 (modify the AM area), and 2.2.3 (establish an AM season), consistent with the Herring Committee recommendations from their June 2nd meeting.

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

11. Mr. Blount moved on behalf of the committee:  
in Section 2.3 (Implementation of Georges Bank haddock accountability measures for the herring fishery), the Groundfish Committee recommends development of only 2.3.4 (seasonal split of GB haddock sub-ACL, 80%/20%) and 2.3.7 (amend how estimated catch is calculated in the herring fishery – incorporate dockside monitoring data).

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

12. Mr. Blount moved and Mr. Kendall seconded:  
that the Council not recommend the development of alternatives for Section 2.4 (proactive AMs in this action).

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

*Postponed motion:*

The main motion as amended:  
that the Council initiate Framework Adjustment 56 to include:

- Specifications (US/CA stocks- Georges Bank cod, haddock, and yellowtail flounder; and witch flounder),
- Establish a scallop fishery sub-ACL for northern windowpane flounder,
- Modify the recreational management measures process,
- Modify the Atlantic herring sub-ACL for GB haddock and possibly the AM (to be discussed at Council meeting, and
- Modify Atlantic halibut management.

13. Ms. Etrie moved to amend and Mr. Kendall seconded:  
that the Council initiate Framework Adjustment 56 to include:
- Specifications (US/CA stocks- Georges Bank cod, haddock, and yellowtail flounder; and witch flounder),
  - Establish a scallop fishery sub-ACL for northern windowpane flounder,
  - Modify the recreational management measures process,
  - Modify the Atlantic herring sub-ACL for GB haddock and
  - Modify Atlantic halibut management.

The motion to amend *carried* on a show of hands (14/2/1).

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

14. Mr. Blount moved and Mr. Terry Alexander seconded:  
that the Council approve the range of AM alternatives, as identified and amended today,  
in the Atlantic herring and Georges Bank haddock action.

The motion *carried* on a show of hands (13/3/1).

## **HERRING COMMITTEE REPORT**

### *Consensus Statement:*

The Council approves, for Management Strategy Evaluation (MSE) simulation testing, the objectives, associated performance metrics, and range of Acceptable Biological Catch control rules, as recommended by the MSE workshop with input of the Herring PDT, AP, and Committee.

The Council agreed by consensus.

## **Thursday, June 23, 2016**

### **Industry-Funded Monitoring Amendment**

#### *Consensus item:*

To extend comment period to 45 days to accommodate stakeholders and public.

#### Herring Coverage Target Alternatives

1. Mr. Kendall Moved and Ms. Tooley Seconded:  
that the Council recommends using an equal weighting approach under Omnibus Alternative 2.2 (Council-led Prioritization Process) for new IFM programs.

The Motion *carried* on a show of hands (9/7/1).

2. Mr. Kendall Moved and Mr. Terry Alexander Seconded:  
that the Council recommends creating a subset of alternatives that would allow additional biological information to be collected (kept and discarded catch) by at-sea monitors.

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

3. Mr. Kendall Moved and Ms. Tooley seconded:  
that the Council recommends slippage consequences apply for ASM and NEFOP-level observer coverage alternatives, but not apply for electronic monitoring alternatives, to be further reviewed after completion of the EM pilot project, and clarify that slippage consequences could be modified through a framework document.

The motion *failed* on a show of hands (7/10/0).

4. Mr. Kendall moved on behalf of the committee:  
that the Council add an alternative to Section 2.0 [Herring Coverage Target Alternatives]:  
Would apply a combination of monitoring coverage based on permit category or gear type:

- Would apply ASM coverage on Category A and B vessels using midwater trawl, purse seine and small mesh bottom trawl gear. Choose an ASM coverage target of 25%, 50%, 75%, or 100%.
- After the goals of the sea herring/mackerel electronic monitoring pilot program are reached, midwater trawl and purse seines can choose to continue with ASM or use EM/portside sampling. The EM/portside sampling would be at a rate of 50% or 100%.

- 4a. Mr. Pentony moved to amend and Ms. Tooley seconded:  
that the Council add an alternative to Section 2.0 [Herring Coverage Target Alternatives]:  
Would apply a combination of monitoring coverage based on permit category or gear type:

- Would apply ASM coverage on Category A and B vessels using midwater trawl, purse seine and small mesh bottom trawl gear. Choose an ASM coverage target of 25%, 50%, 75%, or 100%.
- After the goals of the sea herring/mackerel electronic monitoring pilot program are reached, midwater trawl and purse seines can choose to continue with ASM or use EM/portside sampling. The EM/portside sampling would be at a rate of 50% or 100%.
  - Vessels be limited to choosing one monitoring type per fishing year;
  - Vessels declare their preferred monitoring type six months in advance of the fishing year; and
  - After consulting with NMFS, the Councils establish a minimum participation threshold for each monitoring type for a fishing year, which may preclude some vessels from using the monitoring type of their choice."

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

4b. Mr. Reid moved to amend and Ms. Tooley seconded:  
that the Council add an alternative to Section 2.0 [Herring Coverage Target Alternatives]:  
Would apply a combination of monitoring coverage based on permit category or gear type:

- Would apply ASM coverage on Category A and B vessels using midwater trawl, purse seine and small mesh bottom trawl gear. Choose an ASM coverage target of 25%, 50%, 75%, or 100%.
- After the goals of the sea herring/mackerel electronic monitoring pilot program are reached, midwater trawl and purse seines can choose to continue with ASM or use EM/portside sampling. The EM/portside sampling would be at a rate of 50% or 100%.
  - Vessels be limited to choosing one monitoring type per fishing year;
  - Vessels declare their preferred monitoring type six months in advance of the fishing year; and
  - After consulting with NMFS, the Councils establish a minimum participation threshold for each of their choice."

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

The main motion as amended:

that the Council add an alternative to Section 2.0 [Herring Coverage Target Alternatives]:  
Would apply a combination of monitoring coverage based on permit category or gear type:

- Would apply ASM coverage on Category A and B vessels using midwater trawl, purse seine and small mesh bottom trawl gear. Choose an ASM coverage target of 25%, 50%, 75%, or 100%.
- After the goals of the sea herring/mackerel electronic monitoring pilot program are reached, midwater trawl and purse seines can choose to continue with ASM or use



EM/portside sampling. The EM/portside sampling would be at a rate of 50% or 100%.

- Vessels be limited to choosing one monitoring type per fishing year;
- Vessels declare their preferred monitoring type six months in advance of the fishing year; and
- After consulting with NMFS, the Councils establish a minimum participation threshold for each of their choice."

4c. Dr. Pierce moved to amend and Mr. Pappalardo seconded:  
that the Council add an alternative to Section 2.0 [Herring Coverage Target Alternatives]:  
Would apply a combination of monitoring coverage based on permit category or gear type:

- Would apply ASM coverage on Category A and B vessels using midwater trawl, purse seine and small mesh bottom trawl gear. Choose by gear type an ASM coverage target of 25%, 50%, 75%, or 100%.
- After the goals of the sea herring/mackerel electronic monitoring pilot program are reached, midwater trawl and purse seines and small mesh bottom trawls on Category A and B vessels can choose to continue with ASM or use EM/portside sampling. The EM/portside sampling would be at a rate of 50% or 100%
  - Vessels be limited to choosing one monitoring type per fishing year;
  - Vessels declare their preferred monitoring type six months in advance of the fishing year; and
  - After consulting with NMFS, the Councils establish a minimum participation threshold for each of their choice."

The motion to amend *carried* on a show of hands (14/2/1).

4d. Dr. Sissenwine moved to amend and Mr. Reid seconded:  
that the Council add an alternative to Section 2.0 [Herring Coverage Target Alternatives]:  
Would apply a combination of monitoring coverage based on permit category or gear type:

- Would apply ASM coverage on Category A and B vessels using midwater trawl, purse seine and small mesh bottom trawl gear. Choose by gear type an ASM coverage target of 25%, 50%, 75%, or 100%.
- After satisfactory completion of the EM Pilot Project such that the Council decides that EM/Portside Monitoring is an acceptable alternative to ASM for specific fishing methods, vessels using those methods can choose to continue with ASM or use EM/portside monitoring.
  - Vessels be limited to choosing one monitoring type per fishing year;
  - Vessels declare their preferred monitoring type six months in advance of the fishing year; and
  - After consulting with NMFS, the Councils establish a minimum participation threshold for each of their choice."

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

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

5. Mr. Kendall moved on behalf of the committee:  
that the Council approve the IFM Draft Environmental Assessment as amended  
(including updated impacts analysis) for public hearings.

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

6. Mr. Kendall moved and Dr. McKenzie seconded:  
Move that the Council recommends that the agency provide an update on the progress of  
the EM pilot project at the September 2016 Council meeting.

The Council agreed by consensus.

### **RISK POLICY WORKING GROUP**

7. Ms. Tooley moved and Mr. Alexander seconded:  
recommend that the Council accept the Risk Policy document including the roadmap and  
incorporate in to our Operations Handbook.

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

### **NOAA'S DRAFT GUIDANCE FOR CONDUCTING CATCH SHARE PROGRAM REVIEWS**

#### *Consensus Statement:*

That the Council send NOAA the approved comment letter on the Draft Guidance for  
Conducting Catch Share Program.

The Council agreed by consensus.

### **OTHER BUSINESS**

8. Dr. Pierce moved and Mr. Blount seconded:  
that the Council (1) request joint management authority with the MAFMC for summer  
flounder, scup, and black sea bass; (2) request NOAA Fisheries take necessary steps for  
joint management authority to be established; and (3) inform the MAFMC that rationale  
for this request includes: (a) shifted distribution of these species in response to climate  
warming and (b) the conclusion of the NEFSC 2016 Fish and Shellfish Climate  
Vulnerability Assessment about these shifts in distribution with climate change appearing  
to have enhanced these species' productivity and increased their population sizes in New  
England waters.

The motion *carried* on a show of hands (13/0/2).

9. Ms. Goethel moved and Mr. Grout seconded:  
that the Council requests that GARFO/NEFSC set up a review panel and open public process to deal with ASM/NEFOP/Fishing Industry conflicts.

The motion was withdrawn by its maker.