

**New England Fishery Management Council
Groundfish Committee Meeting
Four Points by Sheraton, Revere, MA
November 12-13, 2014**

DRAFT MOTIONS

DAY 1- NOVEMBER 12

1. MOTION: MURPHY/KENDALL

The Committee recommends to the Council that FW 53 include an additional GOM cod ABC option for FY 2015 in Section 4.1.2 (Annual Catch Limits) consistent with the Groundfish PDT recommendation of 200 mt ABC.

1A. MOTION TO AMEND: GOETHEL/T. ALEXANDER

The Committee recommends to the Council that FW53 include an additional GOM cod ABC option for FY 2015 (Section 4.1.2- Annual Catch Limits) consistent with the Groundfish PDT recommendation of 200 mt ABC. The Committee does not believe this is a viable alternative, but is in the document for comparative purposes only.

The motion was ruled out of order.

1. MAIN MOTION

The Committee recommends to the Council that FW 53 include an additional GOM cod ABC option for FY 2015 in Section 4.1.2 (Annual Catch Limits) consistent with the Groundfish PDT recommendation of 200 mt ABC.

1B. MOTION TO AMEND: ETRIE/MURPHY

The Committee recommends to the Council that FW 53 include an additional GOM cod ABC option for FY 2015 in Section 4.1.2 (Annual Catch Limits) consistent with the Groundfish PDT recommendation of 200 mt ABC. It is in the document for analytical purposes, but it is not the Committee's preferred alternative.

The motion to amend carried (8/1/1).

1C. MAIN MOTION AS AMENDED

The Committee recommends to the Council that FW 53 include an additional GOM cod ABC option for FY 2015 in Section 4.1.2 (Annual Catch Limits) consistent with the Groundfish PDT recommendation of 200 mt ABC. It is in the document for analytical purposes, but it is not the Committee's preferred alternative.

Main motion as amended failed (3/6/1).

2. MOTION: KENDALL/BALZANO

The Committee accepts the PDT's recommendations for state-water and other sub-components ABC distribution as described in Document 8 (PDT Memo to the Committee re FW 53, November 5, 2014) for FW 53 in Section 4.1.2 (Annual Catch Limits), Option 2 (Revised annual catch limit specifications).

The motion carried (8/0/1).

3. MOTION: NOLAN/KENDALL

The Committee recommends moving Section 4.1.4 (GOM/GB Windowpane flounder sub-ACLs for groundfish sectors and the common pool) to "Considered but Rejected", and to consider this issue in the next amendment.

The motion fails (4/5/1).

4. MOTION: T. ALEXANDER/GOETHEL

The Committee recommends that, due to the high bycatch of cod in the lobster fishery, for FW53 that all options in Section 4.2.1 (GOM Cod Spawning Area Closures) include a restriction on fishing with or using lobster pot gear.

4A. MOTION TO AMEND: GOETHEL/ETRIE

The Committee recommends that, due to the high bycatch of cod in the lobster fishery and potential disruption of spawning behavior, for FW53 that all options in Section 4.2.1 (GOM Cod Spawning Area Closures) include a restriction on fishing with or using lobster pot gear.

The motion to amend carries (5/2/3).

4B. MAIN MOTION AS AMENDED:

The Committee recommends that, due to the high bycatch of cod in the lobster fishery and potential disruption of spawning behavior, for FW53 that all options in Section 4.2.1 (GOM Cod Spawning Area Closures) include a restriction on fishing with or using lobster pot gear.

The main motion carries (6/1/3).

5. MOTION: PIERCE/MURPHY

The Committee recommends that a sub-option be added (as "Sub-Option C") in Section 4.2.1 (GOM Cod Spawning Areas Closures) that would close 30-minute blocks 124, 125, 132, and 133 in November - February and 30-minute blocks 124, 125, 132, 133, 139, and 140 in April – July, as developed by the PDT and described in Document 8 (PDT Memo to the Committee re FW 53, November 5, 2014).

5A. MOTION TO AMEND: ETRIE/T. ALEXANDER

The Committee recommends that a sub-option be added (as “Sub-Option C”) in Section 4.2.1 (GOM Cod Spawning Areas Closures) that would close the following blocks (see accompanying rationale):

All commercial and recreational groundfish fishing would be prohibited, in these 30-minute blocks by month:

- April: 124, 125, 132, 133
- May: 125, 132, 133, 138, 139, 140
- June: 133, 139, 140, 146, 147
- November - January block 125 plus optional bump out (40°16’/70°30’; 42°09’/70°26’; 42°/70°30’)

Rationale: The closure areas are intended to serve two functions simultaneously while the GOM cod ABC is below 1,500 mt (use this as an amount as a sunset level?). These seasonal closures combine the existing sector rolling closures and Sub-Option B (with modification to the November 1 – January 31 area) to provide a broad mortality control while capturing what have been preliminarily identified as areas where actual spawning activity likely occurs within a subset of these broad areas. The rationale is to be precautionary while the stock ABC is at such a low level and to use the interim period to advance and improve knowledge relative to actual spawning activity.

This option is explicitly designed to be a placeholder management measure in the absence of finer scale - discrete spawning areas (as considered under the Whaleback Spawning Area approved under Framework 45 and the Mass Bay Spawning Area selected by the Council as their preferred option under the Habitat Omnibus Amendment) and conclusive information regarding spawning protection.

5B. MOTION TO TABLE: T. ALEXANDER/GOETHEL

To table the motion to amend (Motion 5A).

The motion to table carries (9/0/1).

5C. MAIN MOTION: PIERCE/MURPHY

The Committee recommends that a sub-option be added (as “Sub-Option C”) in Section 4.2.1 (GOM Cod Spawning Areas Closures) that would close 30-minute blocks 124, 125, 132, and 133 in November - February and 30-minute blocks 124, 125, 132, 133, 139, and 140 in April – July, as developed by the PDT and described in Document 8 (PDT Memo to the Committee re FW 53, November 5, 2014).

The main motion fails (4/5/1).

6. MOTION: T. ALEXANDER/BALZANO

The Committee recommends that March be eliminated as a closure from Sub-Options A and B in Section 4.2.1 (GOM Cod Spawning Area Closures), Option 2 (Additional GOM cod spawning protection measures).

The motion carries (9/0/1).

7. MOTION: NOLAN/

The Committee recommends that an option be added in Section 4.1.3 (SNE/MA Windowpane Flounder sub-ACLs for Groundfish Sectors and the Common Pool) that would create sub-ACLs for summer flounder, scup, and squid/whiting to this section as a placeholder.

The motion failed for lack of a second.

8. MOTION: PIERCE/ETRIE

The Committee recommends that in Section 4.1.5. (GOM/GB Windowpane Flounder Scallop Fishery Sub-ACL), Option 2 (Create a scallop fishery GOM/GB windowpane flounder sub-ACL) include a sub-ACL of 8% for the scallop fishery, and in Section 4.1.4. (GOM/GB Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool), Option 2 (Create GOM/GB windowpane flounder sub-ACLs for Groundfish Sectors and Common Pool) include a sub-ACL of 2% for Common Pool and other sub-components and 90% for Sectors.

8A. MOTION TO AMEND: KENDALL/T. ALEXANDER

The Committee recommends that in Section 4.1.5. (GOM/GB Windowpane Flounder Scallop Fishery Sub-ACL), Option 2 (Create a scallop fishery GOM/GB windowpane flounder sub-ACL) include a sub-ACL of X% for the scallop fishery, and in Section 4.1.4. (GOM/GB Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool), Option 2 (Create GOM/GB windowpane flounder sub-ACLs for Groundfish Sectors and Common Pool) include a sub-ACL of X% for Common Pool and other sub-components and X% for Sectors.

The motion to amend carried (6/2/2).

8B. THE MAIN MOTION AS AMENDED

The Committee recommends that in Section 4.1.5. (GOM/GB Windowpane Flounder Scallop Fishery Sub-ACL), Option 2 (Create a scallop fishery GOM/GB windowpane flounder sub-ACL) include a sub-ACL of X% for the scallop fishery, and in Section 4.1.4. (GOM/GB Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool), Option 2 (Create GOM/GB windowpane flounder sub-ACLs for Groundfish Sectors and Common Pool) include a sub-ACL of X% for Common Pool and other sub-components and X% for Sectors.

The main motion carried (8/0/2).

9. MOTION: NOLAN/KENDALL

The Committee recommends that Section 4.1.3. (SNE/MA Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool) be moved to “Considered but Rejected”.

The motion carries (9/0/1).

10. MOTION: T. ALEXANDER/PIERCE

The Committee recommends that Section 4.2.3 (Observer Requirements in the Gulf of Maine) be moved to “Considered but Rejected”.

The motion carried (9/0/0).

11. MOTION: ETRIE/T. ALEXANDER

The Committee recommends that in Section 4.2.4 (Rollover of Groundfish Specifications), to all sub-options sub Option 2 (Percentage rollover provisions for specifications) an additional provision be added that would specify that, in the event specifications are rolled over into the next fishing year, that Sectors would not be subject to the 20% holdback of current year’s Sector Annual Catch Entitlement while the rollover specifications are in place.

Rationale: At the start of each fishing year, the Agency holds back 20% of the Sector’s current fishing ACE while the Sector and the Agency reconcile and finalize the previous fishing year’s ACE accounting. This motion clarifies how A16 20% holdback of current Fishing Year ACE should be treated in the event that the specifications from the previous year need to be rolled over in light of a delay. Since ultimately the full allocation for sectors will be released upon completion of the specification rulemaking any need to deduct for overages can be accounted for within the full allocation.

The current language included in FW 53, as well the PDT Memo dated November 5, 2014 is silent on how the 20% holdback will be treated.

The motion carried (9/0/1).

12. MOTION: T. ALEXANDER/BALZANO

The Committee recommends that in Section 4.2.4 (Rollover of Groundfish Specifications), the Council selects Sub-Option A (Rollover 35% of all groundfish stocks to the following FY) as its Preferred Alternative.

12A. MOTION AS FRIENDLY AMENDED

The Committee recommends that in Section 4.2.4 (Rollover of Groundfish Specifications), the Council select Sub-Option A (Rollover 35% of all groundfish stocks to the following FY) as its Preferred Alternative, with an end date no later than August 1.

The motion carried (9/0/1).

13. MOTION: T. ALEXANDER/KENDALL

The Committee recommends that in Section 4.2.5 (Sector ACE Carryover), the Council select Option 2 as its Preferred Alternative.

The motion carried (8/0/2).

DAY 2- NOVEMBER 13

14. MOTION: T. ALEXANDER/ETRIE

The Committee recommends that in Section 4.1.1. (Revised Status Determination Criteria), the Council select Option 2 (Revised Status Determination Criteria) as its Preferred Alternative.

The motion carried (9/0/1).

15. MOTION: T. ALEXANDER/BALZANO

The Committee recommends that in Section 4.1.2. (Annual Catch Limits), the Council select Option 2 (Revised annual catch limit specifications) as its Preferred Alternative.

The motion carried (9/0/1).

16. MOTION: T. ALEXANDER/BALZANO

The Committee recommends, in response to the Interim Action Management Measures for GOM Cod, specifically the measure that restricts the number of gillnets in the day gillnet permit category, that the Council ask GARFO to allow vessels enrolled in the day gillnet category a one-time change to their permit category from the day- to the trip-gillnet category.

The motion carried (8/0/2).

17. MOTION: GOETHEL/KENDALL

The Committee recommends to the Council that in Section 4.2.1 (GOM Cod Spawning Area Closures) Option 2 (Additional GOM Cod Spawning Protection Measures), Sub-Option A, strike “Year-round in the WGOM Closed Area”.

The motion carried (8/0/1).

18. MOTION: T. ALEXANDER/GOETHEL

The Committee recommends to the Council that in Section 4.2.1.2 (GOM Cod Spawning Area Closures) Option 2 (Additional GOM Cod Spawning Protection Measures), modify Sub-Option B for November - January to open 30-minute block 124 with the exception of: 42° - 70°30'; 42°07' - 70°24'; 42°16' -70°30' (30-minute block 125 would be closed, as well as this triangle in 30-minute block 124).

The motion failed (3/6/1).

19. MOTION: T. ALEXANDER/BALZANO

The Committee recommends to the Council that an additional sub-option as “Sub-Option C” be added to Section 4.2.1 (GOM Cod Spawning Area Closures) that would replicate Sub-Option B, except that for November – January, to open 30-minute block 124 with the exception of: 42° - 70°30'; 42°07' - 70°24'; 42°16' -70°30' (30-minute block 125 would be closed, as well as this triangle in 30-minute block 124).

The motion carried (7/2/1).

20. MOTION: ETRIE/GOETHEL

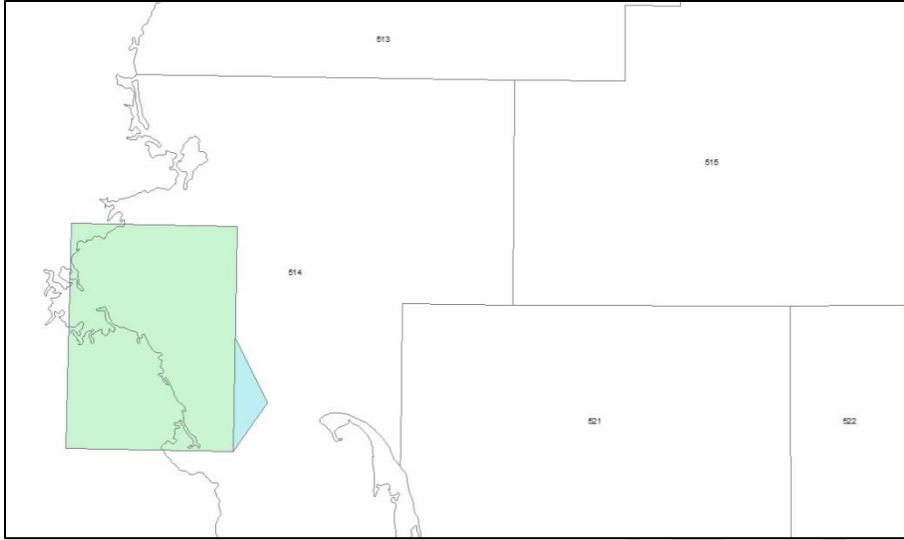
The Committee recommends to the Council that in FW 53, a new section in 4.2 (Commercial and Recreational Fishery Measures) be included titled “GOM Cod Protection Closures”:

Option 1: No Action

Option 2: While the GOM cod SSB is below 25% of B_{MSY} , all commercial and recreational groundfish fishing would be prohibited in the following 30-minute blocks and months:

- April: 124,125,132,133
- May: 125,132,133,138, 139, 140
- June: 133, 139, 140, 146, 147
- November - January block 125 would be closed and 30-minute block 124 would remain open except a bump out with the following coordinates:
 - o 42° 00' 70° 30'
 - o 42° 07' 70° 24'
 - o 42° 16' 70° 30'

The November – January closure:



20A. MOTION TO AMEND: PIERCE/

The Committee recommends to the Council that in FW 53, a new section in 4.2 (Commercial and Recreational Fishery Measures) be included titled “GOM Cod Protection Closures”:

Option 1: No Action

Option 2: While the GOM cod SSB is below 25% of B_{MSY} , all commercial and recreational groundfish fishing would be prohibited in the following time/areas:

- April: 124,125,132,133
- May: 125,132,133,138, 139, 140
- June: 133, 139, 140, 146, 147
- November - January block 125 would be closed and 30-minute block 124 would remain open except a bump out with the following coordinates:
 - o 42° 00' 70° 30'
 - o 42° 07' 70° 24'
 - o 42° 16' 70° 30'

Seasonal closures in 30-minute blocks 125, 132, and portions of 124 would remain closed.

Motion failed for lack of second.

20. MAIN MOTION:

The Committee recommends to the Council that in FW 53, a new section in 4.2 (Commercial and Recreational Fishery Measures) be included titled “GOM Cod Protection Closures”:

Option 1: No Action

Option 2: While the GOM cod SSB is below 25% of B_{MSY} , all commercial and recreational groundfish fishing would be prohibited in the following 30-minute blocks and months:

- April: 124,125,132,133
- May: 125,132,133,138, 139, 140
- June: 133, 139, 140, 146, 147
- November - January block 125 would be closed and 30-minute block 124 would remain open except a bump out with the following coordinates:
 - o 42° 00' 70° 30'
 - o 42° 07' 70° 24'
 - o 42° 16' 70° 30'

20B. MAIN MOTION AS FRIENDLY AMENDED:

The Committee recommends to the Council that in FW 53, a new section in 4.2 (Commercial and Recreational Fishery Measures) be included titled “GOM Cod Protection Closures”:

Option 1: No Action

Option 2: While the GOM cod SSB is below 25% of B_{MSY} , all commercial and recreational groundfish fishing would be prohibited in the following 30-minute blocks and months:

- April: 124,125,132,133
- May: 125,132,133,138, 139, 140
- June: 133, 139, 140, 146, 147
- November - January block 125 would be closed and 30-minute block 124 would remain open except a bump out with the following coordinates:
 - o 42° 00' 70° 30'
 - o 42° 07' 70° 24'
 - o 42° 16' 70° 30'

If the GOM cod SSB is above 25% of B_{MSY} , these closures would be reviewed.

The motion carries (6/2/2).

21. MOTION: GOETHEL/T. ALEXANDER

The Committee recommends to the Council that in Section 4.2.1 (GOM Cod Spawning Area Closures), the following would apply to all of the sub-options under Option 2 (Additional GOM Cod Spawning Protection Measures): the recreational groundfish fishery would continue to have year-round access to the WGOMAC with zero possession of cod.

21A. MOTION AS FRIENDLY AMENDED

The Committee recommends to the Council that in Section 4.2.1 (GOM Cod Spawning Area Closures), the following would apply to Sub-Options B and C under Option 2 (Additional GOM Cod Spawning Protection Measures): the recreational groundfish fishery would continue to have year-round access to the WGOMAC with zero possession of cod.

The motion was withdrawn.

22. MOTION: GOETHEL/

The Committee recommends to the Council that, if in Section 4.2.1 (GOM Cod Spawning Area Closures) Sub-Options B or C is selected in Option 2 (Additional GOM Cod Spawning Protection Measures), the Committee prefers Option 2 (Prohibition on the Possession of GOM cod) in Section 4.2.2 (Prohibition on the Possession of GOM cod) for the recreational fishery only.

The motion was withdrawn.

23. MOTION: GOETHEL/T. ALEXANDER

The Committee recommends to the Council that in the new section (GOM Cod Protection Closures), add a sub-option (Option 2, Sub-Option B) to exempt the recreational fishery from the WGOMAC year-round with a zero cod possession limit within the WGOMAC.

The motion carried (6/0/2).

24. MOTION: GOETHEL/KENDALL

The Committee recommends that the Council request that the NEFSC immediately initiate a benchmark assessment of all cod stocks. The terms of reference for this assessment will be set by the full NEFMC after consultation with the public.

Rationale: The public trust in the last cod assessment is at an all-time low and the draconian measures which have been forced on the groundfish fishery require that there be no doubt about the stock structure.

24A. MOTION AS FRIENDLY AMENDED

The Committee recommends that the Council request of the NEFSC that, for the operational update of all cod stocks, the Terms of Reference be set by the full NEFMC after consultation with the public.

The friendly amendment was considered unfriendly.

24. MOTION: GOETHEL/KENDALL

The Committee recommends that the Council request that the NEFSC immediately initiate a benchmark assessment of all cod stocks. The terms of reference for this assessment will be set by the full NEFMC after consultation with the public.

The motion carried (6/0/3).

25. MOTION: KENDALL

That a letter be sent to GARFO that GARFO analyze the possibility taking away some unused ACE rather than have the 200 lb. trip limit.

The Chairman postponed this motion.

26. MOTION: KING/T. ALEXANDER

The Committee recommends to the Council as a 2015 priority, the development of sub-ACLs to those fisheries interacting with SNE/MA Windowpane flounder.

The motion was accepted without objection.

27. MOTION: T. ALEXANDER/PIERCE

The Committee recommends that the following be added as a 2015 multi-year priority: to initiate an amendment to consider allocating northern and southern windowpane flounder or making these stocks ecosystem components of the fishery.

The motion carried (7/0/1).

28. MOTION: PIERCE/GOETHEL

The Committee recommends the following order for 2015 priorities:

1. Complete Amendment 18 to consider fleet diversity and accumulation caps.
2. Continue to coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas.
3. Develop alternative strategies for setting catch advice for stability in ACLs.
4. Amendment: Windowpane
5. Process for review of groundfish catch in other fisheries (could be done with the windowpane amendment).
6. Amendment: Party/charter – limited access

28A. MOTION TO AMEND: ETRIE/T. ALEXANDER

The Committee recommends the following order for 2015 priorities:

1. Continue to coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas.
2. Complete Amendment 18 to consider fleet diversity and accumulation caps.
3. Develop alternative strategies for setting catch advice for stability in ACLs.
4. Amendment: Windowpane
5. Process for review of groundfish catch in other fisheries (could be done with the windowpane amendment).
6. Amendment: Party/charter – limited access

The motion to amend carried 5/2/1.

28B. MAIN MOTION AS AMENDED:

The Committee recommends the following order for 2015 priorities:

1. Continue to coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas.
2. Complete Amendment 18 to consider fleet diversity and accumulation caps.
3. Develop alternative strategies for setting catch advice for stability in ACLs.
4. Amendment: Windowpane
5. Process for review of groundfish catch in other fisheries (could be done with the windowpane amendment).
6. Amendment: Party/charter – limited access

The main motion as amended carried 6/1/1.

29. MOTION: ETRIE/ T. ALEXANDER

The Committee requests that the Council consider, when submitting comments to the Agency on the recent Interim Action, that the Council urges the Agency to work collaboratively with the Sectors to develop a program this Fishing Year which would allow the Sectors to return a portion of their current GOM Cod ACE in order to have certain emergency measures modified.

The motion carried 6/0/2.

30. MOTION: T. ALEXANDER/BALZANO

The Committee requests that the Council consider, when submitting comments to the Agency on the recent Interim Action, to consider allowing vessels with an observer on board to land their cod (i.e., exempt from the 200 lb. trip limit) and fish in multiple Broad Stock Areas.

30A. MOTION TO SPLIT: GOETHEL/T. ALEXANDER

Part A: The Committee requests that the Council consider, when submitting comments to the Agency on the recent Interim Action, to consider allowing vessels with an observer on board to land their cod (i.e., exempt from the 200 lb. trip limit).

Part B: Vessels may fish in multiple BSAs w/ an observer.

The motion to split the question carried 6/0/2.

30B. PART A OF SPLIT MOTION:

The Committee requests that the Council consider, when submitting comments to the Agency on the recent Interim Action, to consider allowing vessels with an observer on board to land their cod (i.e., exempt from the 200 lb. trip limit).

30C. MOTION TO TABLE PART A AND PART B

The motion to table carried (6/0/2).

Reached by Motions and Consensus

Groundfish Committee Recommended Priorities for 2015

(In order of priority, when numbered)

Annual

- Set specifications for all groundfish stocks 2016-2018*
- Set specifications for US/CA stocks for 2016*
**Regulatory requirement*
- 1) Sub-ACLs for fluke, squid, etc. for SNE Windowpane Flounder – coordinate with MAFMC and ASFMC
- 2) Electronic Monitoring – EMWG finishes final of white paper- “recommendations sections”- short-term item
- 3) Recreational Management Measures Process
 - Staff: Five Year Sector Review
 - Staff: TMGC/TRAC
 - Staff: Operational/Update Assessments

Multi-Year

- 1) Continue to coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas.
- 2) Complete Amendment 18 to consider fleet diversity and accumulation caps.
- 3) Develop alternative strategies for setting catch advice for stability in ACLs.
- 4) Amendment: Windowpane.
- 5) Process for review of groundfish catch in other fisheries (could be done with the windowpane amendment).
- 6) Amendment: Party/charter – limited access.
 - Staff: Cod Stock Structure Workshop