

Final Motions
New England Fishery Management Council Meeting
June 28-29, 2022
Holiday Inn By the Bay, Portland, ME
Hybrid meeting with remote participants

Tuesday, June 28, 2022

REPORTS ON RECENT ACTIVITIES

GARFO Regional Administrator's Report

1. The Council agreed by consensus to have the staff send a comment letter on a Proposed Rule which will consider allowing a vessels fishing in the NAFO area to work on gear while in the US EEZ transiting to our from the NAFO area..

NORTHEAST CLIMATE REGIONAL ACTION PLAN

2. The Council agreed by consensus to send the comment letter drafted by staff letter regarding the Northeast Climate Regional Action Plan, after including the suggestions made today and the recommendations provided by Council members before the July 29, 2022 comment deadline.

2022-2026 COUNCIL RESEARCH PRIORITIES

3. Dr. Sissenwine moved and Mr. Tracy seconded:
that the Council keep “dedicated herring hydroacoustic survey” as a priority as part of the 2022-2026 Council Research Priorities.

Roll call vote:

Yes: Mr. Aarrestad, Mr. Alexander, Mr. Bellavance, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Ms. Ware, Mr. Olszewski, Mr. Pappalardo, Mr. Pierdinock, Ms. Griffin, Dr. Sissenwine, Mr. Smith and Mr. Tracy.

No: Ms. Brawn and Ms. Etrie

Abstain: Mr. Pentony

The motion *carried* on a roll call vote (14/2/1).

4. The Council agreed by consensus to approve recommendations for revisions to the 2022-2026 Council Research Priorities made to date by the FMP committees and the Scientific and Statistical Committee and as amended today.

Wednesday, June 29, 2022

NATIONAL EQUITY AND ENVIRONMENTAL JUSTICE STRATEGY

1. The Council agreed by consensus to approve the comment letter to NMFS regarding the Draft Fisheries Equity and Environmental Strategy including recommendations made today and provided by Council members before the August 31, 2022, deadline.

MONKFISH COMMITTEE REPORT

Framework Adjustment 13

2. Mr. Pentony moved and Ms. Patterson seconded:
That the Council remove consideration of Vessel Monitoring System from the list of measures in Framework 13.

The Council agreed by consensus.

Research-Set-Aside Program

3. Ms. Etrie moved on behalf of the Committee:
that the Council recommends the following as priorities for the 2023-2024 Monkfish Research-Set-Aside program. These are not listed in priority order.
 1. Research on monkfish life history focusing on: (a) age and growth, (b) longevity, (c) reproduction and (d) natural mortality;
 2. Trawl and gillnet gear studies focusing on (a) bycatch reduction, including reducing interactions, and injury/mortality associated with these interactions, with sea turtles, Atlantic sturgeon, right and humpback whales, and other protected species and (b) size and/or species selectivity;
 3. Research on the pingers used for monkfish gillnet gear to reduce porpoises, so that interaction with seals is reduced; and
 4. Research to improve the monkfish market (e.g., increasing domestic demand, making new markets).

Ms. Etrie offered a perfection.

To clarify #3, adding parenthetical note:

3. Research on the pingers used for monkfish gillnet gear to reduce porpoise interactions, so that interaction with seals is also reduced (acoustic frequency and the number of pingers necessary per gillnet string).

The motion as perfected:

Ms. Etrie moved on behalf of the Committee:

that Council recommends the following as priorities for the 2023-2024 Monkfish Research-Set-Aside program. These are not listed in priority order.

1. Research on monkfish life history focusing on: (a) age and growth, (b) longevity, (c) reproduction and (d) natural mortality;
2. Trawl and gillnet gear studies focusing on (a) bycatch reduction, including reducing interactions, and injury/mortality associated with these interactions, with sea turtles, Atlantic sturgeon, right and humpback whales, and other protected species and (b) size and/or species selectivity;
3. Research on the pingers used for monkfish gillnet gear to reduce porpoise interactions, so that interaction with seals is also reduced (acoustic frequency and the number of pingers necessary per gillnet string); and
4. Research to improve the monkfish market (e.g., increasing domestic demand, making new markets).

The Council agreed by consensus with one abstention (Mr. Pentony).

GROUND FISH COMMITTEE REPORT

Framework Adjustment 65 / Specifications and Management Measures

4. Mr. Bellavance moved on behalf of the Committee:
that the Council write a letter to the Mid-Atlantic Fishery Management Council informing them of our intention to consider a Southern New England/Mid-Atlantic (SNE/MA) winter flounder sub-ACL for the small mesh fisheries and inquire if they would like to take lead on establishing the AM for those small mesh fisheries under their purview.

The motion was perfected to read:

that the Council write a letter to the Mid-Atlantic Fishery Management Council informing them of our intention to consider a Southern New England/Mid-Atlantic (SNE/MA) winter flounder sub-ACL for the small mesh fisheries and inquire if they would like to consult on establishing the AM for those small mesh fisheries under their purview.

The Council agreed by consensus.

5. Mr. Bellavance moved on behalf of the Committee:
that the Council include Georges Bank cod as a stock to pursue “additional measures to promote rebuilding” in Framework Adjustment 65 specifically to consider mechanisms that could be adopted to minimize the impact of pound-for-pound payback applied to the commercial fishery if the recreational fishery exceeds its catch target.
- 5a. Mr. Bellavance moved to amend and Mr. Pierdinock seconded:
that the Council include Georges Bank cod as a stock to pursue “additional measures to promote rebuilding” in Framework Adjustment 65, including mechanisms that could be adopted to minimize the impact to the commercial fishery if the recreational fishery exceeds its catch target.

The Council agreed by consensus.

Main motion:

That the Council include Georges Bank cod as a stock to pursue “additional measures to promote rebuilding” in Framework Adjustment 65, including mechanisms that could be adopted to minimize the impact to the commercial fishery if the recreational fishery exceeds its catch target.

The Council agreed by consensus with one abstention (Mr. Pentony).

Amendment 23 Metrics

6. Mr. Bellavance moved on behalf of the Committee:
that the Council consider the following analyses in the Amendment 23 review metrics:
 1. Comparison of target coverage rates vs. realized coverage rates, including comparison between vessels using EM monitoring tools and human at-sea monitors
 2. The number of trips where waivers for monitoring requirements are issued and the reason for the waiver
 3. Evidence of bias in catch reporting between monitored and un-monitored trips, including:
 - a. Trip duration
 - b. Species composition and size composition of landed groundfish
 - c. Species composition and weight of discarded groundfish
 - d. Ratio of landed to discarded fish by species
 4. Overall industry and agency costs for meeting monitoring requirements, including a cost comparison between EM-monitored trips and human at-sea monitored trips
 5. Efficacy of the Dockside Monitoring Program required in the Maximized Retention EM program, including purpose of the program (size composition and weights of sub-legal fish, validating dealer weights, hold inspection) cost of the program and the use of information collected

The Council agreed by consensus.

7. Mr. Bellavance moved on behalf of the Committee:
that the Council consider in the current development of Amendment 23 (A23) metrics additional analysis that go to quantifying the magnitude of bias analyzed in A23. Specifically, pursue the numerous suggestions offered by the A23 SSC Sub-Panel Peer Review on ways the following two analysis could be further pursued to understand the magnitude of the observer bias question. (1) Methods to Predict Groundfish Catch in the presence of an observer (2) Methods to evaluate groundfish catch ratios A23 analysis.

The Council agreed by consensus.

8. Mr. Bellavance moved on behalf of the Committee:
to consider the following under Amendment 23 metrics:
 1. True cost of monitoring at significantly higher targets by sea day (not days absent)
 - a. including sea day rate, travel, training & meal reimbursement, equipment, operations costs etc.
 - b. should be for each of the 3 industry paid programs, ASM, Audit EM & MREM

2. Stat Area/BSA Reporting (Palmer work) - comparing VTR/OBS/VMS data
 - a. can help determine if getting better with higher levels of coverage
 - b. also can help to determine if differences are due to misreporting or due to differences in guidance
3. Compare/Contrast discard estimates by monitoring program (ASM, Audit EM, MREM, NEFOP)
4. Rerun PDT observer bias work since don't expect coming close to 100 % realized rate for trips with ASM requirements a. can simplify this work by tailoring analysis to those that showed significant differences originally
5. Examine if those vessels that showed observer bias in the PDT work remaining in the fishery post 23
6. For trips that are exempt from ASM in SNE (west of 7130), could potentially look at observed discard estimates Pre/Post Amendment 23 since coverage rates will be dramatically different
7. recommendation of QA/QC on lease price data if examining leasing information

The Council agreed by consensus.

Thursday, June 30, 2022

HABITAT COMMITTEE REPORT

Offshore Wind

1. The Council agreed by consensus that staff compose a comment letter to BOEM in response to the request for comments on the Draft Fisheries Mitigation Guidance and have the Executive Committee review before sending by the August 22 deadline.
2. Ms. Etrie moved and Mr. Salerno seconded:
that the Council send BOEM a letter urging a completed Programmatic Environmental Impact Statement under NEPA, supported by an inclusive collaborative planning effort (like the Maine roadmap), for the entire Gulf of Maine Planning Area prior to the identification of any Wind Energy Areas (and subsequent leasing) to better understand the ecological risks and cumulative impacts of offshore wind development on important resources including: fishing communities and their cultural heritage (e.g., fishing businesses with portfolios located entirely within the Gulf of Maine); NEFMC managed stocks (and impact of altered federal surveys); deep sea corals and other sensitive and vulnerable habitat; as well as ESA-listed species and their designated critical habitat (e.g., North Atlantic right whale, Atlantic salmon, Atlantic sturgeon, leatherback sea turtles).

Roll call vote:

Yes: Mr. Aarrestad, Mr. Alexander, Mr. Bellavance, Ms. Brawn, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Mr. Olszewski, Mr. Pappalardo, Mr. Pierdinock, Mr. Pentony, Ms. Griffin, Dr. Sissenwine, Mr. Smith and Mr. Tracy

No:

Abstain: Ms. Ware

The motion *carried* on a roll call vote (16/0/1).

Southern New England Habitat Area of Particular Concern (HAPC) Framework

Motion postponed from April Council meeting

3. Bellavance/Pierdinock: That the Council selects Alternative 3 (Cod spawning HAPC encompassing current sites, historical sites, and sites identified in the future based on new data) as a preferred alternative.

Motion to amend (Salerno/Smith): that the Council select Alternative 3 and 4 as the preferred alternatives.

The underlying motion as well as the amended motion were withdrawn by their makers.

The Council agreed by consensus.

4. Mr. Reid moved on behalf of the Committee:
that the Council adopt none of these actions as the preferred alternative. The Committee recommends that the Council clarify its focus for these alternatives and consider whether the Committee should continue work on this framework.
- 4a. Mr. Bellavance moved to substitute and Mr. Aarrestad seconded:
that the Council selects an area overlapping offshore wind lease sites in Southern New England buffered by approximately 10 km on all sides as a Habitat Area of Particular Concern. The designation would apply to locations within the mapped area where there is evidence of cod spawning activity, as defined in Alternative 3 and/or complex benthic habitat, as defined in Alternatives 4, in the draft framework document.
- 4b. Mr. Pentony moved to amend the substitute motion and Ms. Patterson seconded:
that the Council selects as a preferred alternative an area overlapping offshore wind lease sites in Southern New England buffered by approximately 10 km on all sides as a Habitat Area of Particular Concern, due to the potential adverse impacts associated with offshore wind-energy development on sensitive hard-bottom habitats and cod spawning activity, as provided in 50 CFR 600.815(a)(8)(i), (ii), and (iii). The designation would apply to locations within the mapped area where there is evidence of cod spawning activity, as defined in Alternative 3 and/or complex benthic habitat, as defined in Alternatives 4, in the draft framework document.

The motion to amend the substitute motion *carried* by consensus.

The motion to substitute as amended:

that the Council selects as a preferred alternative an area overlapping offshore wind lease sites in Southern New England buffered by approximately 10 km on all sides as a Habitat Area of Particular Concern, due to the potential adverse impacts associated with offshore wind-energy development on sensitive hard-bottom habitats and cod spawning activity, as provided in 50 CFR 600.815(a)(8)(i), (ii), and (iii). The designation would apply to locations within the mapped area where there is evidence of cod spawning

activity, as defined in Alternative 3 and/or complex benthic habitat, as defined in Alternatives 4, in the draft framework document.

The motion to substitute as amended *carried* by consensus.

The main motion:

that the Council selects as a preferred alternative an area overlapping offshore wind lease sites in Southern New England buffered by approximately 10 km on all sides as a Habitat Area of Particular Concern, due to the potential adverse impacts associated with offshore wind-energy development on sensitive hard-bottom habitats and cod spawning activity, as provided in 50 CFR 600.815(a)(8)(i), (ii), and (iii). The designation would apply to locations within the mapped area where there is evidence of cod spawning activity, as defined in Alternative 3 and/or complex benthic habitat, as defined in Alternatives 4, in the draft framework document.

The main motion *carried* by consensus.

5. Ms. Patterson Moved to Dr. Sissenwine seconded:
that the Council submit the framework to designate a new HAPC in the SNE/MA area to NMFS.

The Council agreed by consensus with one abstention (Mr. Pentony).

SCALLOP COMMITTEE REPORT

2023/2024 Scallop RSA Research Priorities

6. Ms. Griffin moved on behalf of the Committee:
that the Council approve the Scallop research set-aside priorities for 2023/2024 as recommended by the Scallop Committee on pages 1 and 2 of document #3, (Tab 4).
The priority list is summarized in the table below. Medium and General research priorities are not listed in priority order.

#	HIGH PRIORITY (1)	#	GENERAL RESEARCH (8-9)
1	Scallop Resource Surveys	8	Bycatch: Small scallops & non-target species
#	MEDIUM PRIORITY (2-7)	9	Gear: Commercial dredge research
2	Scallop Biology		
3	Sea Turtle Research		
4	Enhancement		
5	Habitat Characterization		
6	High Density Areas		
7	Wind		

The Council agreed by consensus.

Framework 35

7. Ms. Griffin moved and Mr. Alexander seconded:
that the Council initiate Framework Adjustment 35, an action that will set
fishery specifications for fishing year 2023 and default measures for 2024.

The Council agreed by consensus.