

New England Fishery Management Council

Groundfish Advisory Panel

Meeting by Webinar

August 18, 2020

Meeting Motions

Conservation Law Foundation's petition for rulemaking on Atlantic Cod

Motion 1: Raymond/Odell

To respond to the Conservation Law Foundation petition on cod, the GAP requests that the Committee draft a letter for the Council to send to the NMFS that documents the chronology of all the actions the Council has taken to address the status of the region's cod stocks, along with an explanation of how those actions have been consistent with the mandates of the Magnuson Stevens Fishery Conservation and Management Act. This letter should satisfy the Administrative Procedure Act's requirement to "examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made".

Rationale: Measures recommended by the Council and approved by the NMFS to address cod stock status have been ongoing, and have been based on peer-reviewed assessments as well as the recommendations of the SSC, i.e. the best available science (NS2), have been designed to reduce overfishing while achieving optimum yield (NS1) and to provide for the sustained participation of fishing communities (NS8).

- Amendment 5 (1993): Established limited entry into multispecies fishery, the days at sea program, and effort reduction program.
- Amendment 7 (1996): Established rebuilding program for GOM cod and FB cod; accelerated the days at sea effort reduction program
- Framework 30 (1999): Reduce fishing mortality on GB cod by 22%; seasonal closure to reduce fishing mortality on GB cod
- Framework 31 (2000): Established trip limits for GOM cod; inshore seasonal closures to reduce fishing mortality on GOM cod; year-round closures in Western Gulf of Maine and Cashes ledge to reduce fishing mortality on Gulf of Maine cod
- Framework 33 (2000): Continuation of GOM closed areas; new seasonal inshore closure to reduce fishing mortality on GOM cod
- Amendment 13 (2003): Changes in days at sea baseline to reflect historical participation; days at sea reductions; reductions in cod trip limits; ; sharing agreement with Canada for eastern GB cod; new rebuilding program for GB cod

- Framework 42 (2006): Reductions in days at sea; days at sea counting 2:1 in inshore GOM to reduce fishing mortality on GOM cod; target 44% reduction in F on GOM cod; 9% on GB cod
- Framework 44 (2009): Reduction in GOM cod trip limit
- Amendment 16 (2010): Established the sector management program; established ABCs and ACLs; additional reductions in fishing mortality for both cod stocks
- Framework 45 (2011): Established a GOM cod spawning protection area
- Framework 48 (2012): Revised status determination criteria for GOM and GB cod
- Framework 51 (2014): Revised rebuilding program for GOM cod
- Framework 53 (2015): Revised GOM cod seasonal closure areas to reduce fishing mortality on GOM cod in winter months; revise cod protection areas and rolling closures in the GOM to reduce mortality on aggregations of GOM cod and provide spawning protections for GOM cod
- Framework 57 (2018): Established recreational GB cod catch targets
- Habitat Omnibus Amendment 2 (2018): Established habitat measures for GOM and GB cod, including habitat management closed areas, gear restrictions, juvenile cod protection areas, spawning protection areas, and habitat areas of particular concern
- Also, biennial status updates and associated reductions in ACLs for both cod stocks

Roll-call vote on Motion 1:

Ben Martens	NO
Bonnie Brady	YES
Cassie Canastra	OUT OF ROOM
Geoff Smith	NO
Hank Soule	YES
Jackie Odell	YES
Maggie Raymond	YES

Motion 1 *carried* on a roll-call vote (4/2/0).

Motion 2: Raymond/Soule

The GAP recommends that the Committee recommend to the Council that they write a letter to NMFS to address the claims made in the petition that are errors in facts or errors in interpretation, including how recent changes to how ACLs and ABCs have been calculated by the SSC, and how recent actions (FW59 and Habitat OA2).

Motion 2b to **amend** Motion 2: Smith/XX

The GAP recommends that the Committee recommend to the Council that they write a letter to NMFS to address the claims made in the petition that are **factually correct and** errors in facts or errors in interpretation, including how recent changes to how ACLs and ABCs have been calculated by the SSC, and how recent actions (FW59 and Habitat OA2).

Motion 2b *failed* for lack of second.

Motion 2: Raymond/Soule, as **friendly clarified**

The GAP recommends that the Committee recommend to the Council that they write a letter to NMFS to address the claims made in the petition that are errors in facts or errors in interpretation, including how recent changes to how ACLs and ABCs have been calculated by the SSC, and how recent actions (**e.g., FW59 and Habitat OA2**) **have been crafted to address the status of the cod stocks.**

Roll-call vote on Motion 2:

Ben Martens	OUT OF ROOM
Bonnie Brady	YES
Cassie Canastra	YES
Geoff Smith	NO
Hank Soule	YES
Jackie Odell	YES
Maggie Raymond	YES

Motion 2 *carried* on roll-call vote (5/1/0).