

Final Motions
New England Fishery Management Council Meeting
April 18-20, 2023
Mystic Hilton, Mystic, CT
Hybrid meeting with remote participants

Tuesday, April 18, 2023

CLOSED SESSION

Mr. Bellavance moved and Mr. Pappalardo seconded:
That the Council will vote on the Executive Director using a process similar to that used for selecting the Council chair, as recommended by the Executive Committee. A majority plus one of members present will be required for selection.

The Council agreed by consensus.

MONKFISH COMMITTEE REPORT

1. Ms. Etrie moved and Mr. Salerno seconded:
that the Council approves the draft workplan for the Monkfish Research Set-Aside (RSA) workgroup as presented by staff.

The Council agreed by consensus.

PROTECTED RESOURCES – ATLANTIC STURGEON

2. Ms. Etrie moved and Mr. Pappalardo seconded:
that the Council initiate Framework Adjustment 15 to the Monkfish Fishery Management Plan as part of the Joint Monkfish/Spiny Dogfish Framework Adjustment to reduce Atlantic Sturgeon bycatch in monkfish and spiny dogfish gillnet fisheries.

The Council agreed by consensus.

ON-DEMAND/ROPELESS FISHING GEAR CONFLICT WORKING GROUP

3. Mr. Bellavance moved and Mr. Tracy seconded:
that the Council approve the work plan for the On-Demand Fishing Gear Conflict Working Group.

The Council agreed by consensus.

HABITAT COMMITTEE REPORT

Northern Edge Habitat-Scallop Framework

4. Mr. Reid moved on behalf of the Habitat Committee:
that the Council adopt the following goal for the Northern Edge Habitat-Scallop Framework:
Develop a scallop rotational harvest program within and/or around the Closed Area II Habitat Closure Area (i.e., “habitat management area” or “HMA”) that avoids habitats important to juvenile cod, minimizes adverse effects to essential fish habitats, minimizes adverse biological and economic impacts to other managed fisheries, and contributes to optimum yield for the scallop fishery.
- 4a. Mr. Hansen moved to amend and Ms. Griffin seconded:
that the Council adopt the following goal for the Northern Edge Habitat-Scallop Framework:
Develop a scallop rotational harvest program within and/or around the Closed Area II Habitat Closure Area (i.e., “habitat management area” or “HMA”) that identifies, considers, and addresses complex habitats of critical importance to juvenile cod, minimizes adverse effects to essential fish habitats, minimizes adverse biological and economic impacts to other managed fisheries, and contributes to optimum yield for the scallop fishery.

Roll Call Vote:

Yes: Mr. Hansen and Mr. Tracy

No: Mr. Aarrestad, Mr. Bellavance, Ms. Brawn, Ms. Etrie, Mr. Alexander, Mr. Salerno, Ms. Patterson, Ms. Ware, Mr. Olszewski, Mr. Pappalardo, Mr. Pierdinock, Mr. Pentony, Ms. Griffin, Mr. Smith and Mr. Whelan

Abstain:

The motion *failed* on a roll call vote (2/15/0).

Main motion:

That the Council adopt the following goal for the Northern Edge Habitat-Scallop Framework:

Develop a scallop rotational harvest program within and/or around the Closed Area II Habitat Closure Area (i.e., “habitat management area” or “HMA”) that avoids habitats important to juvenile cod, minimizes adverse effects to essential fish habitats, minimizes adverse biological and economic impacts to other managed fisheries, and contributes to optimum yield for the scallop fishery.

- 4b. Mr. Alexander moved to amend:
That the Council adopt the following goal for the Northern Edge Habitat-Scallop Framework:
Develop a scallop rotational harvest program within and/or around the Closed Area II Habitat Closure Area (i.e., “habitat management area” or “HMA”) that avoids complex habitats important to juvenile cod, minimizes adverse effects to essential fish habitats,

minimizes adverse biological and economic impacts to other managed fisheries, and contributes to optimum yield for the scallop fishery.

The motion *failed* due to a lack of a second.

Main motion:

That the Council adopt the following goal for the Northern Edge Habitat-Scallop Framework:

Develop a scallop rotational harvest program within and/or around the Closed Area II Habitat Closure Area (i.e., “habitat management area” or “HMA”) that avoids habitats important to juvenile cod, minimizes adverse effects to essential fish habitats, minimizes adverse biological and economic impacts to other managed fisheries, and contributes to optimum yield for the scallop fishery.

The Council agreed by consensus.

5. Mr. Reid moved on behalf of the Habitat Committee:
that the Council adopt the following objective for the Northern Edge Habitat-Scallop Framework:

#1 Establish a scallop access area or areas. These area(s) may be located within and/or outside the existing Closed Area II Habitat Closure Area, including in areas that are currently open to the scallop fishery. Consider both the distribution of scallops and maintaining protection of habitats that are highly vulnerable to dredge fishing impacts and provide functional value for managed fishery resources, taking into account the ecological value of the Northern Edge to juvenile cod and other managed species.

The Council agreed by consensus.

6. Mr. Reid moved on behalf of the Habitat Committee:
that the Council adopt the following objectives for the Northern Edge Habitat-Scallop Framework:

#2 Review current boundaries for the Closed Area II Habitat Closure Area (HMA) and consider whether modifications might be considered in a future action.

#3 Develop a scallop rotational harvest program, including the geographic extent, duration, and frequency of scallop dredge activity relative to habitat and recovery time on the Northern Edge.

#5 Develop management area boundaries that are enforceable. This may include developing additional monitoring requirements specific to this area.

#6 Accurately monitor and minimize bycatch of non-target species.

The Council agreed by consensus.

7. Mr. Reid moved on behalf of the Habitat Committee:
that the Council adopt the following objectives for the Northern Edge Habitat-Scallop Framework:

#4 Manage harvest from the Northern Edge scallop resource in the short- and long-term by considering the size distribution of scallops, seasonality of fishing with regard to meat yield, spawning and recruitment potential (in this area and other areas of the scallop resource across Georges Bank), and fishing behavior.

#7 To the extent possible, consider gear interactions including between scallop dredges and lobster traps.

- 7a. Ms. Griffin moved to amend on behalf of the Scallop Committee:
that the Council adopt the following objectives for the Northern Edge Habitat-Scallop Framework:
#4 Manage harvest from the Northern Edge scallop resource in the short- and long-term by considering the size distribution of scallops, seasonality of fishing with regard to meat yield, spawning and recruitment potential (in this area and other areas of the scallop resource across Georges Bank), and fishing behavior. Rotational fishing should consider how to achieve harvest from a small area in an equitable and sustainable manner.
#7 To the extent possible, consider gear interactions including between scallop dredges and lobster traps, and the impacts of dredge gear on ovigerous lobsters in the Northern Edge HMA.

The motion to amend *carried* by unanimous consent.

Main motion as amended:
that the Council adopt the following objectives for the Northern Edge Habitat-Scallop Framework:
#4 Manage harvest from the Northern Edge scallop resource in the short- and long-term by considering the size distribution of scallops, seasonality of fishing with regard to meat yield, spawning and recruitment potential (in this area and other areas of the scallop resource across Georges Bank), and fishing behavior. Rotational fishing should consider how to achieve harvest from a small area in an equitable and sustainable manner.
#7 To the extent possible, consider gear interactions including between scallop dredges and lobster traps, and the impacts of dredge gear on ovigerous lobsters in the Northern Edge HMA.

The Council agreed by consensus.

- 8 Ms. Griffin moved and Ms. Patterson seconded:
that the Council initiate the Northern Edge Habitat-Scallop Framework.

The Council agreed by consensus.

Aquaculture

9. Mr. Reid moved on behalf of the Habitat Committee
That for the Salmon Aquaculture Framework, the Council identifies Alternative 3, Letter of Authorization (LOA) only, as preferred, including that gear stowage would be required, according to the definition of stowed and not available for immediate use.

The Council agreed by consensus.

10. Mr. Reid moved and Ms. Patterson seconded:
that the Council submit the Atlantic Salmon Aquaculture Framework to NOAA Fisheries.

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

Wednesday, April 19, 2023

GROUND FISH COMMITTEE REPORT

Gulf of Maine Haddock

Postponed Committee motion:

1. Mr. Bellavance moved and ## seconded:
that the Council submit a letter to GARFO requesting emergency action to set the Gulf of Maine haddock ABC for FY2023-FY2025 at up to 90%FMSY taking into consideration the Council's Risk Policy, National Standard 1 guidelines for phasing-in changes to ABCs, and relevant, recent fishery independent and dependent information.

The motion *failed* due to lack of a second.

2. Ms. Griffin moved and Mr. Bellavance seconded:
that the Council submit a letter to GARFO requesting emergency action to set the Gulf of Maine haddock ABC for FY2023 at 90%FMSY taking into consideration the Council's Risk Policy, National Standard 1 guidelines for phasing-in changes to ABCs, and relevant, recent fishery independent and dependent information.

Roll Call Vote:

Yes: Mr. Gates, Mr. Alexander, Mr. Bellavance, Ms. Brawn, Ms. Etrie, Mr. Hansen, Ms. Patterson, Mr. Salerno, Ms. Ware, Mr. Olszewski, Mr. Pappalardo, Mr. Pierdinock, Ms. Griffin, Mr. Smith, Mr. Tracy and Mr. Whelan

No: Mr. Pentony

Abstain:

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

Postponed Committee motion:

3. Mr. Bellavance moved and ## seconded:
that the Council task the Plan Development Team to review fishery dependent data since the Council's final action in December 2022 to evaluate the size frequency of Gulf of Maine haddock being caught, and what proportion could represent different year classes. Compare this trend in the length distribution of catch to previous years (FY2019-FY2022).

The motion *failed* due to lack of a second.

4. Ms. Etrie moved and Mr. Salerno seconded:
that the Council write a letter to the NEFSC and NRCC to include GOM haddock as a case study in the state-space model research track assessment.

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

SKATE COMMITTEE REPORT

Committee Consensus Statement

5. That the Council recommend to the Northeast Fisheries Science Center that the 2023 skate management track assessment include:
 - Include recreational data in the catch time series.
 - Evaluate the methods for attributing commercial fishery landings and recreational catch by species.
 - Reevaluate the biomass targets for thorny skate.
 - Consider the Gulf of Maine longline survey as a biomass index.

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

STATE OF THE ECOSYSTEM REPORT

6. Mr. Bellavance moved and Mr. Pappalardo seconded:
that the Council will submit the recommendations for improvements to the State of the Ecosystem Report as discussed today.

The Council agreed by consensus.

Thursday, April 20, 2023

ATLANTIC HERRING COMMITTEE REPORT

River Herring and Shad

1. Mr. Alexander moved and Mr. Aarrestad seconded:
that the Herring Committee and the Council consider at their respective next meetings amending 2023 Council Priorities for Atlantic Herring to include Plan Development Team (PDT) tasking for analyses to support and identify a range of options for time/area closures to avoid and minimize catch of river herring and shad in the mid-water trawl and small-mesh bottom trawl fisheries.
- 1a. Mr. Aarrestad moved and Mr. Alexander seconded:
that the Council postpone this motion until after the Amendment 8 discussion.

The Council agreed by consensus.

Revisit Amendment 8 inshore Mid-water trawl closure

2. Mr. Pappalardo moved and Mr. Smith seconded:
Recommends a new problem statement:
Amendment 8 proposed measures to address potential localized depletion of Atlantic herring to minimize possible detrimental biological impacts or socioeconomic impacts on other user groups that depend upon adequate local availability of Atlantic herring. The Council intends to further explore these and other concerns through examination of the ecosystem role of Atlantic herring in the area included in the Amendment 8 exclusion zone, Atlantic herring as prey for other species in this area, the incidental catch of river herring, shad and other species by midwater trawl gear in this area, updated data on activity by all users in this area, and spatial and temporal variations on the Amendment 8 buffer zone that could address the concerns of the herring fishery and other stakeholders. The motion was withdrawn by its maker.
3. Mr. Pappalardo moved and Mr. Smith seconded:
the Council intends to explore possible detrimental biological and socioeconomic impacts of user group conflicts related to availability of Atlantic herring through examination of the ecosystem role of Atlantic herring in the area included in Amendment 8 exclusion zone, Atlantic herring as prey for other species in this area, the incidental catch of river herring and shad and other species in this area, updated data on activity by all users in this area, and spatial and temporal variations on the Amendment 8 buffer zone that could address the concerns of the herring fishery and other stakeholders.
4. Mr. Pappalardo moved and Mr. Smith seconded:
that the Council commits the draft problem statement motion to the Herring Committee for further development and refinement with the intention that the Council at its June business meeting takes up the work of the Committee on the problem statement.

The Council agreed by consensus.

Postponed motion:

That the Herring Committee and the Council consider at their respective next meetings amending 2023 Council Priorities for Atlantic Herring to include PDT tasking for analyses to support and identify a range of options for time/area closures to avoid and minimize catch of river herring and shad in the mid-water trawl and small-mesh bottom trawl fisheries.

Roll Call Vote:

Yes: Mr. Aarrestad, Mr. Alexander, Mr. Bellavance, Mr. Hansen, Ms. Patterson, Mr. Olszewski, Mr. Pappalardo, Mr. Pierdinock, Ms. Griffin, Mr. Smith, Mr. Tracy and Mr. Whelan

No: Ms. Brawn, Ms. Etrie, Mr. Salerno and Ms. Ware

Abstain: Mr. Pentony

The motion *carried* on a roll call vote (12/4/1).

RISK POLICY WORKING GROUP

5. Ms. Ware moved and Mr. Bellavance seconded:
that the Council approves the draft Terms of Reference for the Risk Policy Working Group, as recommended by the Risk Policy Working Group in document #2 in Tab #15.

The Council agreed by consensus.