

**NEW ENGLAND FISHERY MANAGEMENT COUNCIL,  
Sheraton Harborside, Portsmouth, NH  
January 24-26, 2017  
FINAL MOTIONS**

**Tuesday, January 24, 2017**

**INDUSTRY-FUNDED MONITORING (IFM) OMNIBUS AMENDEMENT**

Omnibus Alternatives

- 1) Mr. Reid moved and Mr. Gibson seconded:  
that the Council postpone action on the IFM Omnibus Amendment until the completion of the EM Pilot Program including a review by the Advisory Panels, Committee and Council.

Roll Call Vote:

Yes: Richard Bellavance, Mr. Gibson and Mr. Reid

No: Mr. Mark Alexander, Mr. Terry Alexander, Mr. Balzano, Mr. Bullard, Mr. Godfroy, Mr. Grout, Mr. Kendall, Dr. McKenzie, Mr. Pappalardo, Dr. Pierce Dr. Sissenwine and Mr. Stockwell

Abstain: Ms. Etrie

Recusal: Ms. Tooley

The motion *failed* on a roll call vote (3/12/1/1).

*Recusal Statement:* Ms. Tooley - I am recusing as I am employed by a company that holds interests in commercial herring vessels that may harvest greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.

2. Mr. Grout moved and Ms. Etrie seconded:  
that the Council select Omnibus Alternative 2 (Standardized cost responsibilities and standardized administrative requirements for industry funded monitoring service providers) with the removal of the framework provisions described on pages 71 and 72 from the amendment document as the preferred alternative for the IFM Amendment.
  - 2a. Dr. Pierce move to substitute and Dr. Sissenwine seconded:  
to select Alternative 2 as well as Alternative 2.2 for the prioritization process and Alternative 2.6 for the monitoring set-aside.
  - 2b. Mr. Grout moved to amend the underlying motion (Motion #2) and Ms. Etrie seconded:  
that the Council selects Omnibus Alternative 2 (Standardized cost responsibilities and standardized administrative requirements for industry funded monitoring

service providers) with the removal of the framework provisions described on pages 71 and 72 from the amendment document as the preferred alternative for the IFM Amendment. The Council also selects Alternative 2.2 and 2.6 (allow FMP to establish set-asides through a Framework).

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

The motion to substitute (Motion #2a):

To select Alternative 2 as well as Alternative 2.2 for the prioritization process and Alternative 2.6 for the monitoring set-aside.

The motion to substitute *failed* on a show of hands (4/13/0).

The main motion as amended (Motion # 2b):

That the Council selects Omnibus Alternative 2 (Standardized cost responsibilities and standardized administrative requirements for industry funded monitoring service providers) with the removal of the framework provisions described on pages 71 and 72 from the amendment document as the preferred alternative for the IFM Amendment. The Council also selects Alternative 2.2 and 2.6 (allow FMP to establish set-asides through a Framework).

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

3. Ms. Tooley moved and Mr. Terry Alexander seconded:  
that the Council recommends using an equal weighting approach under Omnibus Alternative 2.2 (Council-led prioritization process) for new IFM programs and reviews this approach as needed.

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

*Recusal Statement:* Ms. Tooley - I am recusing as I am employed by a company that holds interests in commercial herring vessels that may harvest greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.

### Herring Alternatives

4. Mr. Grout moved and Mr. Pappalardo seconded:  
that the Council select as a preferred alternative Herring Alternatives 2 and 2.7 to allow Category A and B vessels to select monitoring type.
- Initially, apply ASM coverage on Category A and B vessels.
  - When the Council determines EM and portside sampling are an acceptable alternative for ASM, then Category A and B vessels would be able to choose ASM or EM and portside sampling coverage.
  - Coverage targets for ASM would be 50% using the combined coverage target approach.

- Coverage targets for EM/portside sampling would be 50% using the “additive” approach.

Also select:

- Sub-Option 1 (issued waivers if coverage was unavailable due to funding or logistics)
- Sub-Option 2 (exempt a wing vessel not carrying fish)
- Sub-Option 4 (require Council to reevaluate IFM requirements 2 years after implementation)

4a. Mr. Stockwell moved to amend and Mr. Pappalardo seconded: that the Council selects Herring Alternative 2 and 2.7 to allow Category A and B vessels to select monitoring type.

- Initially, apply ASM coverage on Category A and B vessels.
- When the Council determines EM and portside sampling are an acceptable alternative for ASM, then Category A and B vessels would be able to choose ASM or EM and portside sampling coverage.
- Coverage targets for ASM would be 50% using the combined coverage target approach.
- Coverage targets for EM/portside sampling would be 50% using the “additive” approach.

Also select:

- Sub-Option 1 (issued waivers if coverage was unavailable due to funding or logistics)
- Sub-Option 2 (exempt a wing vessel not carrying fish)
- Sub-Option 4 (require Council to reevaluate IFM requirements 2 years after implementation)
- Sub-Option 5 (would exempt vessels that land less than 25 mt of herring from IFM)

The motion to amend *failed* on a show of hands (7/9/0/1).

*Recusal Statement:* Ms. Tooley - I am recusing as I am employed by a company that holds interests in commercial herring vessels that may harvest greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.

Main Motion:

That the Council select as preferred alternatives Herring Alternative 2 and 2.7 to allow Category A and B vessels to select monitoring type.

- Initially, apply ASM coverage on Category A and B vessels.
- When the Council determines EM and portside sampling are an acceptable alternative for ASM, then Category A and B vessels would be able to choose ASM or EM and portside sampling coverage.
- Coverage targets for ASM would be 50% using the combined coverage target approach.
- Coverage targets for EM/portside sampling would be 50% using the “additive” approach.

Also select:

- Sub-Option 1 (issued waivers if coverage was unavailable due to funding or logistics)
- Sub-Option 2 (exempt a wing vessel not carrying fish)
- Sub-Option 4 (require Council to reevaluate IFM requirements 2 years after implementation)

4b. Dr. McKenzie moved to amend and Mr. Mark Alexander seconded: that the Council select Herring Alternative 2 and 2.7 to allow Category A and B vessels to select monitoring type.

- Initially, apply ASM coverage on Category A and B vessels.
- When the Council determines EM and portside sampling are an acceptable alternative for ASM, then Category A and B vessels would be able to choose ASM or EM and portside sampling coverage.
- Coverage targets for ASM would be 50% using the combined coverage target approach.
- Coverage targets for EM/portside sampling would be 50% using the “additive” approach.

Also select:

- Sub-Option 1 (allow waivers only for logistical reasons)
- Sub-Option 2 (exempt a wing vessel not carrying fish)
- Sub-Option 4 (require Council to reevaluate IFM requirements 2 years after implementation)

The motion *failed* on a show of hands on a show of hands (2/14/0/1).

*Recusal Statement:* Ms. Tooley - I am recusing as I am employed by a company that holds interests in commercial herring vessels that may harvest greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.

Main Motion:

That the Council select as preferred alternatives Herring Alternative 2 and 2.7 to allow Category A and B vessels to select monitoring type.

- Initially, apply ASM coverage on Category A and B vessels.
- When the Council determines EM and portside sampling are an acceptable alternative for ASM, then Category A and B vessels would be able to choose ASM or EM and portside sampling coverage.
- Coverage targets for ASM would be 50% using the combined coverage target approach.
- Coverage targets for EM/portside sampling would be 50% using the “additive” approach.

Also select:

- Sub-Option 1 (issued waivers if coverage was unavailable due to funding or logistics)
- Sub-Option 2 (exempt a wing vessel not carrying fish)
- Sub-Option 4 (require Council to reevaluate IFM requirements 2 years after implementation)

4c. Ms. Tooley moved to amend and Mr. Reid seconded:

that the Council select as preferred alternatives Herring Alternative 2 and 2.7 to allow Category A and B vessels to select monitoring type.

- Initially, apply ASM coverage on Category A and B vessels.
- When the Council determines EM and portside sampling are an acceptable alternative for ASM, then Category A and B vessels would be able to choose ASM or EM and portside sampling coverage.
- Coverage targets for ASM would be 25% using the combined coverage target approach.
- Coverage targets for EM/portside sampling would be 25% using the “additive” approach.

Also select:

- Sub-Option 1 (issued waivers if coverage was unavailable due to funding or logistics)
- Sub-Option 2 (exempt a wing vessel not carrying fish)
- Sub-Option 4 (require Council to reevaluate IFM requirements 2 years after implementation)

The motion to amend *failed* on a show of hands (4/12/01).

*Recusal Statement:* Ms. Tooley - I am recusing as I am employed by a company that holds interests in commercial herring vessels that may harvest greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.

4d. Ms. Etrie moved to reconsider motion 4a and Mr. Terry Alexander seconded: that the Council select as preferred alternatives Herring Alternative 2 and 2.7 to allow Category A and B vessels to select monitoring type.

- Initially, apply ASM coverage on Category A and B vessels.

- When the Council determines EM and portside sampling are an acceptable alternative for ASM, then Category A and B vessels would be able to choose ASM or EM and portside sampling coverage.
- Coverage targets for ASM would be 50% using the combined coverage target approach.
- Coverage targets for EM/portside sampling would be 50% using the “additive” approach.

Also select:

- Sub-Option 1 (issued waivers if coverage was unavailable due to funding or logistics)
- Sub-Option 2 (exempt a wing vessel not carrying fish)
- Sub-Option 4 (require Council to reevaluate IFM requirements 2 years after implementation)
- Sub-Option 5 (exempt vessels that land less than 25 mt of herring from IFM requirements)

The motion to reconsider *carried* on a show of hands (12/3/1/1).

*Recusal Statement:* Ms. Tooley - I am recusing as I am employed by a company that holds interests in commercial herring vessels that may harvest greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.

Reconsidered motion:

that the Council select as preferred alternatives Herring Alternative 2 and 2.7 to allow Category A and B vessels to select monitoring type.

- Initially, apply ASM coverage on Category A and B vessels.
- When the Council determines EM and portside sampling are an acceptable alternative for ASM, then Category A and B vessels would be able to choose ASM or EM and portside sampling coverage.
- Coverage targets for ASM would be 50% using the combined coverage target approach.
- Coverage targets for EM/portside sampling would be 50% using the “additive” approach.

Also select:

- Sub-Option 1 (issued waivers if coverage was unavailable due to funding or logistics)
- Sub-Option 2 (exempt a wing vessel not carrying fish)
- Sub-Option 4 (require Council to reevaluate IFM requirements 2 years after implementation)
- Sub-Option 5 (exempt vessels that land less than 25 mt of herring from IFM requirements)

The motion *carried* on a show of hands (9/7/0/1).

*Recusal Statement:* Ms. Tooley - I am recusing as I am employed by a company that holds interests in commercial herring vessels that may harvest greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.

Main motion as amended:

that the Council select as preferred alternatives Herring Alternative 2 and 2.7 to allow Category A and B vessels to select monitoring type.

- Initially, apply ASM coverage on Category A and B vessels.
- When the Council determines EM and portside sampling are an acceptable alternative for ASM, then Category A and B vessels would be able to choose ASM or EM and portside sampling coverage.
- Coverage targets for ASM would be 50% using the combined coverage target approach.
- Coverage targets for EM/portside sampling would be 50% using the “additive” approach.

Also select:

- Sub-Option 1 (issued waivers if coverage was unavailable due to funding or logistics)
- Sub-Option 2 (exempt a wing vessel not carrying fish)
- Sub-Option 4 (require Council to reevaluate IFM requirements 2 years after implementation)
- Sub-Option 5 (exempt vessels that land less than 25 mt of herring from IFM requirements)

The main motion as amended ***carried*** on a show of hands (12/4/0/1).

*Recusal Statement:* Ms. Tooley - I am recusing as I am employed by a company that holds interests in commercial herring vessels that may harvest greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.

5. Mr. Grout moved and Mr. Pappalardo seconded:  
that the Council select Herring Alternative 2.6 (apply the coverage target selected in Herring Alternative 2.7 to midwater trawl vessels fishing in Groundfish Closed Areas).

The motion ***failed*** on a show of hands (6/10/0/1).

*Recusal Statement:* Ms. Tooley - I am recusing as I am employed by a company that holds interests in commercial herring vessels that may harvest greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.

6. Ms. Etrie moved and Mr. Terry Alexander seconded:

that the Council adopt Alternative 2.5 that would apply 100% NEFOP-level observer coverage to midwater trawl vessels fishing in Groundfish Closed Areas.

The motion *carried* on a show of hands (14/2/0/1).

*Recusal Statement:* Ms. Tooley - I am recusing as I am employed by a company that holds interests in commercial herring vessels that may harvest greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.

## **ATLANTIC HERRING COMMITTEE**

### **Amendment 8 - MSE ABC Control Rule Discussion**

7. Mr. Kendall moved on behalf of the committee:  
that the following potential ABC control rules should be removed from further consideration in Amendment 8:
  - biomass based for 3 years with max of 15% inter-annual restriction;
  - constant catch;
  - conditional constant catch;
  - biomass based for 5 years

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

### **Framework 5 – haddock**

8. Mr. Kendall moved on behalf of the committee:  
that the Council select No Action for Framework 5 as preferred for Sections 2.1 and 2.2; therefore, the action is suspended and will not be submitted to NMFS.

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

### **Other Business - herring**

The Council agreed by consensus:  
To direct the Executive Director to send a letter to ASMFC asking for a non-voting NEFMC seat on the Atlantic herring section.

## **WEDNESDAY, JANUARY 25, 2017**

## **GROUND FISH**

### **Framework Adjustment 56**

1. Mr. Stockwell moved on behalf of the committee:



that the Council selects in Section 4.1.1. (Revised Status Determination Criteria for Witch Flounder) Option 2: Revised Status Determination Criteria for Witch Flounder (Section 4.1.1.2) as the preferred alternative.

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

2. Mr. Stockwell moved on behalf of the committee:  
that the Council recommends as the preferred alternative the SSC recommendation to utilize an empirical approach to develop catch advice for witch flounder, including a resulting ABC of 878 mt for FY 2017- FY 2019, and no determination for OFL.

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

3. Mr. Stockwell moved on behalf of the committee:  
that the Council recommends as the preferred alternative the PDT recommendation on Canadian catches (no adjustment at this time but continue to track catches) and the PDT recommendation on the state waters (35.2 mt) and other subcomponents (69.5 mt) for witch flounder.

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

4. Mr. Stockwell moved on behalf of the committee:  
that the Committee requests further information on what elements of the empirical approach for witch flounder may be updated in the 2017 operational updates (such as but not limited to the exploitation rate of 0.060) in time for the Council meeting next week.

- 4a. Ms. Etrie moved to substitute and Mr. Terry Alexander seconded:  
that the Council include in FW 56, language that clarifies the Council's intent that the 2018 and 2019 witch flounder ABCs will be determined following the 2017 operational assessments. Therefore, the Council requests the operational assessment for witch flounder include consideration of and any appropriate changes to the exploitation rate used in the empirical approach and directs the SSC to consider appropriate changes to the exploitation rate in its determination of 2018-2019 witch flounder ABCs.

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

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

5. Mr. Stockwell moved and Mr. Terry Alexander seconded:  
the Council selects in Section 4.1.2. (Annual Catch Limits) Option 2: Revised Annual Catch Limit Specifications (Section 4.1.2.2) as the preferred alternative.

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

6. Mr. Stockwell moved and Ms. Etrie seconded:  
to submit Framework Adjustment 56 as amended today to the National Marine  
Fishery Service.

The motion *carried* on a show of hands (16/0/01).

#### FY 2017 Recreational Measures for Gulf of Maine cod and haddock

7. Mr. Stockwell moved on behalf of the committee:  
that the Council recommends to the National Marine Fishery Service for FY 2017  
recreational measures:
- Cod closed season
  - Haddock –17 in minimum size, separate measures for for-hire and  
private mode
    - For-hire: 10 fish, closed March 1- April 14
    - Private: 12 fish, closed March 1-April 14 and Sept 17-Oct 31

- 7a. Mr. Grout moved to substitute and Dr. Pierce seconded:  
to recommend to NMFS that the recreational measures reflect Recreational  
Advisory Panel recommendations of a closed season for Cod, a Haddock 12 fish  
bag limit and 17 in minimum size and closures from Sept. 17-Oct 31 and March  
1– April 14.

The motion to substitute *carried* on a show of hands (9/7/1).

The main motion as substituted *carried* on a show of hands (13/2/2).

#### 2017 Groundfish Priorities

8. Mr. Stockwell moved on behalf of the committee:  
that the Council initiate a sole-purpose framework adjustment to address Atlantic  
halibut accountability measures as the next Groundfish action following the  
submission of Framework Adjustment 56.

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

9. Mr. Stockwell moved on behalf of the committee:  
that the Council ask the United States Coast Guard and under the Joint Law  
Enforcement Agreements between the states and NOAA Enforcement that  
enforcement of the 3 NM limit be a high priority especially during the Atlantic  
halibut season in Maine (May-June).

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

Postponed motion from November 2016:

10. To have the Council request that GARFO consider any/all remediation methods available to put in place a one year exemption to the pending AM for Southern Windowpane Flounder for FY 2017.

The motion *carried* on a show of hands (15/0/1).

11. Ms. Etrie moved and Mr. Pappalardo seconded:  
that the Council write a letter to NMFS requesting they provide further explanation on how MSRA Section 306b may be used and if available has it been used in other parts of the country.

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

### **Wednesday, January 26, 2017**

#### **OTHER BUSINESS**

Postponed motion from November 2016 Council Meeting:  
to amend the priorities for Monkfish by adding “encourage the Groundfish Committee to modify the regulations that requires trip gillnet vessels to bring their gear in at the end of their trip specifically considering modifications that would allow 10” or greater gillnet gear to be left between trips to facilitate more efficient monkfish trips (Monkfish Committee consensus statement.)”

Mr. Terry Alexander moved to table the motion and the Council agreed by consensus.