

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
December 7-9, 2021
Via Webinar
FINAL MOTIONS

Tuesday, December 7, 2021

HABITAT COMMITTEE REPORT

NEFMC Wind Energy policy

1. Dr. Sissenwine moved and Mr. Bellavance seconded:
that the Council approve the updated wind energy policy.
- 1a. Mr. Pierdinock moved to amend and Dr. Sissenwine seconded:
to include consideration of micrometeorological effects in the Project Siting and Environmental Review section of the policy, and ‘ice shedding’ in the Navigation/Safety section of the policy.

The Council agreed to the amended motion by consensus.

The main motion:
that the Council approve the updated wind energy policy, edited to include consideration of ‘micrometeorological effects’ in the Project Siting and Environmental Review section of the policy, and ‘ice shedding’ in the Navigation/Safety section of the policy.

The Council agreed by consensus.

Bureau of Ocean Energy Management (BOEM)

2. Ms. Patterson moved and Mr. Aarrestad seconded:
that the Council develop comments responding to BOEM’s request for information on reducing or avoiding mitigating impacts of offshore wind energy on fisheries.

The Council agreed by consensus.

3. Mr. Aarrestad moved and Ms. Patterson seconded:
that the Council develop comments related to the Amitie telecommunications cable project.

The Council agreed by consensus.

SPINY DOGFISH COMMITTEE REPORT

4. Ms. Griffin moved and Mr. Alexander seconded:
That the Council approve an increase of the Federal spiny dogfish trip limit from 6,000 to 7,500 pounds.

The Council agreed by consensus.

CONSERVING AND RESTORING AMERICA THE BEAUTIFUL

5. Mr. Bellavance moved and Mr. Pappalardo seconded:
that the Council approves the draft response to the request for information on NOAA's actions to advance the goals and recommendations in the Report on Conserving and Restoring America the Beautiful.

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

Thursday, December 8, 2021

GROUND FISH COMMITTEE REPORT

Framework Adjustment 63/Specifications

1. Mr. Bellavance moved on behalf of the Committee:
that under 4.1.4 Alternative 4 - Changes to the Default Specifications Process for Framework Adjustment 63, the Council selects 4.1.4.3 Option 3: 5 months duration, 75% of the previous year's specifications, no holdback provision, and 2-year US/CA TACs as the preferred alternative.
 - 1a. Mr. Pentony moved to substitute and Mr. Pappalardo seconded:
that under 4.1.4 Alternative 4 – Changes to the Default Specifications Process for Framework Adjustment 63, the Council selects 4.1.4.4 Option 4 – 6 months duration, 75% of the previous year's specifications, no holdback provision, and 2-year US/CA TACs as the preferred alternative.

Roll call vote:

Yes: Mr. Gates, Mr. Alexander, Ms. Ware, Mr. Olszewski, Mr. Pappalardo, Mr. Pentony
Ms. Griffin, Dr. Sissenwine and Mr. Smith

No: Mr. Bellavance, Ms. Brawn, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Mr.
Pierdinock and Mr. Tracy

Abstain:

The motion to substitute *carried* on a roll call vote (9/8/0).

The main motion:

That under 4.1.4 Alternative 4 – Changes to the Default Specifications Process for Framework Adjustment 63, the Council selects 4.1.4.4 Option 4 – 6 months duration, 75% of the previous year's specifications, no holdback provision, and 2-year US/CA TACs as the preferred alternative.

Roll call vote:

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

No:

Abstain:

The main motion as substituted *carried* unanimously on a roll call vote (17/0/0).

2. Mr. Bellavance moved on behalf of the Committee:
that the Council selects 4.1.2 Alternative 2 Revised Specifications as the preferred alternative (excluding specifications for FY2022 to FY2024 for Georges Bank cod). Annual specifications for FY2022 - FY2024 for Gulf of Maine cod, FY2022- FY2023 for Georges Bank (GB) yellowtail flounder, and FY2022 for white hake. Specify total allowable catches (TACs) for the U.S./Canada Management Area for FY2022 for Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder.

The Council agreed by consensus.

3. Mr. Bellavance moved on behalf of the Committee:
that the Council remands the Georges Bank cod Acceptable Biological Catch (ABC) back to the Scientific and Statistical Committee (SSC) for reconsideration of the ramp-down approach articulated by the minority at the SSC meeting. Social and economic analysis of this approach should be provided along with National Standard 1 guidelines. The new information on FY2020 catch data was not available to SSC. The remand request should be written to avoid delay of Framework Adjustment 63 (e.g., the Council will accept the SSC's Overfishing Limit (OFL) and ABC final recommendations once made and without objection for fishing years 2022-2024).

- 3a. Ms. Etrie moved to substitute and Mr. Salerno seconded:
that the Council set the FY 2022 ABC recommendation for GB Cod (754 mt) with the following FY 2022 Recreational Management Measures and Recreational Catch Target:

FY 2022 Recreational GB Cod Catch Target set at 75 mt

FY 2023 and FY 2024 Recreational GB Cod Catch Target to be set in next annual specification package.

GB Cod Recreational Management Measures:

Slot Size Limit: 22-28 inches

5 fish per angler per day

Closed Season March 1-July 31st (wave 2, 3 & 1st half of wave 4)

Provide Regional Administrator authority to adjust recreational management measures for GB Cod in consultation with the Council FY 2023 and FY 2024 to stay within the catch target selected by the Council.

Further, the Council requests that the SSC consider an alternative ABC for GB cod for the FY 2023 and FY 2024 based on the phased-in ABC approach recommended by the

minority SSC report. In addition to comparing the socio-economic impacts of the 754 ABC recommendations and the phased-in recommendation, the SSC should compare the risks of overfishing, and the risks to rebuilding progress. When reconsidering the ABC the SSC should review a risk policy matrix for cod, the high recreational catch in 2020, the socio-economic impacts of the ABC on the commercial and recreational fishery, and the NS1 guidelines regarding phased-in reductions in ABC.

- 3b. Mr. Pierdinock moved to amend the Committee motion and Mr. Bellavance seconded: to include MRIP and eVTR data.

Roll call vote:

Yes:

No: Mr. Gates, Mr. Alexander, Mr. Bellavance, Ms. Brawn, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Ms. Ware, Mr. Olszewski, Mr. Pappalardo, Mr. Pierdinock, Mr. Pentony, Ms. Griffin, Dr. Sissenwine, Mr. Smith and Mr. Tracy

Abstain:

The motion to amend *failed* on a roll call vote (0/17/0).

- 3c. Dr. Sissenwine moved to amend the substitute motion and Mr. Smith seconded to read as follows:
that the Council set the FY 2022 ABC recommendation for GB Cod (754 mt) with the following FY 2022 Recreational Management Measures and Recreational Catch Target:

FY 2022 Recreational GB Cod Catch Target set at 75 mt

FY 2023 and FY 2024 Recreational GB Cod Catch Target to be set in next annual specification package.

GB Cod Recreational Management Measures:

Slot Size Limit: 22-28 inches

5 fish per angler per day

Closed Season March 1-July 31st (wave 2, 3 & 1st half of wave 4)

Provide Regional Administrator authority to adjust recreational management measures for GB Cod in consultation with the Council FY 2023 and FY 2024 to stay within the catch target selected by the Council.

Roll call vote:

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

No: Ms. Griffin and Mr. Gates

Abstain:

The motion to amend the substitute motion *carried* on a roll call vote (15/2/0).

The substitute motion as amended:

that the Council set the FY 2022 ABC recommendation for GB Cod (754 mt) with the following FY 2022 Recreational Management Measures and Recreational Catch Target:

FY 2022 Recreational GB Cod Catch Target set at 75 mt
FY 2023 and FY 2024 Recreational GB Cod Catch Target to be set in next annual specification package.

GB Cod Recreational Management Measures:

Slot Size Limit: 22-28 inches

5 fish per angler per day

Closed Season March 1-July 31st (wave 2, 3 & 1st half of wave 4)

Provide Regional Administrator authority to adjust recreational management measures for GB Cod in consultation with the Council FY 2023 and FY 2024 to stay within the catch target selected by the Council.

- 3d. Mr. Bellavance moved to amend and Mr. Pierdinock seconded:
that the Council set the FY 2022 ABC recommendation for GB Cod (754 mt) with the following FY 2022 Recreational Management Measures and Recreational Catch Target:

FY 2022 Recreational GB Cod Catch Target set at 75 mt
FY 2023 and FY 2024 Recreational GB Cod Catch Target to be set in next annual specification package.

GB Cod Recreational Management Measures:

Slot Size Limit: 22-28 inches

5 fish per angler per day

Closed Season May 1-July 31st (wave 3 and 1st half of wave 4)

Provide Regional Administrator authority to adjust recreational management measures for GB Cod in consultation with the Council FY 2023 and FY 2024 to stay within the catch target selected by the Council.

Roll call vote:

Yes: Mr. Gates, Mr. Alexander, Mr. Bellavance, Mr. Godfroy, Ms. Patterson, Ms. Ware, Mr. Olszewski, Mr. Pappalardo, Mr. Pierdinock, Mr. Pentony, Ms. Griffin and Dr. Sissenwine

No: Ms. Brawn, Ms. Etrie, Mr. Salerno Mr. Smith and Mr. Tracy

Abstain:

The motion to amend *carried* on a roll call vote (12/5/0).

The substitute motion as further amended:

that the Council set the FY 2022 ABC recommendation for GB Cod (754 mt) with the following FY 2022 Recreational Management Measures and Recreational Catch Target:

FY 2022 Recreational GB Cod Catch Target set at 75 mt

FY 2023 and FY 2024 Recreational GB Cod Catch Target to be set in next annual specification package.

GB Cod Recreational Management Measures:

Slot Size Limit: 22-28 inches

5 fish per angler per day

Closed Season May 1-July 31st (wave 3 and 1st half of wave 4)

Provide Regional Administrator authority to adjust recreational management measures for GB Cod in consultation with the Council FY 2023 and FY 2024 to stay within the catch target selected by the Council.

Roll call vote:

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

No:

Abstain:

The substitute motion as amended *carried* unanimously on a roll call vote (17/0/0).

The main motion:

that the Council set the FY 2022 ABC recommendation for GB Cod (754 mt) with the following FY 2022 Recreational Management Measures and Recreational Catch Target:

FY 2022 Recreational GB Cod Catch Target set at 75 mt

FY 2023 and FY 2024 Recreational GB Cod Catch Target to be set in next annual specification package.

GB Cod Recreational Management Measures:

Slot Size Limit: 22-28 inches

5 fish per angler per day

Closed Season May 1-July 31st (wave 3 and 1st half of wave 4)

Provide Regional Administrator authority to adjust recreational management measures for GB Cod in consultation with the Council FY 2023 and FY 2024 to stay within the catch target selected by the Council.

Roll call vote:

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

No:

Abstain:

The main motion *carried* unanimously (17/0/0).

4. Ms. Etrie moved and Mr. Salerno seconded:
to include, and adopt, in FW 63 updated sub-component distributions for GB Cod, as documented in Council Staff Memo dated 12/7/2021 (Groundfish document 3L) that uses average catches from FY 2018-FY2020; resulting in a shift of approximately 7.9 mt total from the state and other components to the commercial ground fish ABC.

The Council agreed by consensus.

5. Mr. Bellavance moved and Mr. Pappalardo seconded:
to submit Framework 63 to the Northeast Multispecies FMP to NMFS/GARFO.

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

6. Ms. Etrie moved and Ms. Griffin seconded:
that the Council send correspondence to the Mid-Atlantic Council and individual Mid-Atlantic states, highlighting recommended changes to recreational measures and upcoming reductions of GB cod.

The Council agreed by consensus.

SCALLOP COMMITTEE REPORT

Framework 34

Action 1: Overfishing Limit and Acceptable Biological Catch

1. Ms. Griffin moved on behalf of the Committee:
that the Council select in Action 1 – Overfishing Limit and Acceptable Biological Catch, Alternative 2 (4.1.2), updated OFL and ABC for FY2022 and FY2023, as preferred.

The Council agreed by consensus.

Action 2 – Northern Gulf of Maine Management and TAL Setting

2. Ms. Griffin moved on behalf of the Committee:
that the Council select in Action 2, Northern Gulf of Maine Management and TAL Setting, Alternative 2 (4.2.2), Re-open Stellwagen Bank and set NGOM TAL, with set-asides to support research, monitoring, and a directed LAGC fishery, as the preferred alternative.
Select as preferred:
- Option 2 in Section 4.2.2 - Set NGOM TAL at F=0.18, NGOM TAL of 661,387 pounds, 2022 NGOM Set-Aside of 621,307 pounds.
 - The 2023 default NGOM Set-Aside would be set at 465,980 pounds.

The Council agreed by consensus.

Action 3 – Fishery Specifications

3. Ms. Griffin moved on behalf of the Committee:
that in Action 3, add a 24 DAS (F=0.39) option to Alternative 3 (4.3.3), Three Access Area Trips, with the Hudson Canyon and Elephant Trunk reverted to open bottom and closures of the New York Bight and Nantucket Lightship West, and select this new option as preferred. This would allocate the following access area trips to full-time limited access permit holders:
- Two trips to Closed Area II (30,000 pounds), 15,000 pound possession limit.
 - One trip to Nantucket Lightship South (15,000 pounds) 15,000 pound possession limit.
 - One 15,000 pound default access area trip to CAII for FY 2023.
- Closed Area I would remain a rotational area designated for LAGC Access Area trips and RSA compensation fishing only.

The Council agreed by consensus.

Action 4 – Access Area Trip Allocations to the LAGC IFQ Component

4. Ms. Griffin moved on behalf of the Committee:
that the Council select in Action 4, Alternative 2 (4.4.2), Update LAGC IFQ Access Area Trip Allocations, and Distribute Closed Area II Access Area Allocation to CAI Only, as preferred. The total access area trip allocations for the LAGC IFQ for FY 2022 would be:
- 357 in Nantucket Lightship South
 - 714 in Closed Area I

The Council agreed by consensus.

Action 5 – RSA Compensation Fishing

5. Ms. Griffin moved on behalf of the Committee:
that the Council select in Action 5, Alternative 2 (4.5.2), allow RSA compensation fishing in open areas and the NLS-South, Closed Area II (June 1 – August 15 only), and Closed Area I, with limited RSA compensation fishing in the NGOM Management Area, as preferred.

The Council agreed by consensus.

6. Ms. Griffin moved and Mr. Alexander Seconded:
to submit Framework 34 to the Scallop FMP to NMFS/GARFO, as modified and recommended by the Council today.

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

2022 COUNCIL PRIORITIES

7. Mr. Bellavance moved and Ms. Ware seconded:
that the Council approves the 2022 priorities as recommended by the Executive Committee.

Groundfish Priorities

- 7a. Mr. Bellavance moved on behalf of the
1. Set ABCs/ACLs for roughly half of groundfish stocks for FY2023-2025 and US/CA stocks for FY 2023, revise rebuilding plans for GOM cod and SNE/MA winter flounder; adopt additional measures to promote stock rebuilding
 2. Develop metrics to be used in the review process that will evaluate the monitoring system, as per A23 (Multi-year Priority)
 3. In consultation with SSC, Revise ABC Control Rules for Northeast Multispecies Stocks
 4. Allocate GB Cod to the Recreational fishery and establish Accountability Measures; this would be a multi-year priority informed by the Cod Stock structure work.
 5. Staff: Research Track Assessments: Haddock, American Plaice, Atlantic Cod
 6. Staff: Groundfish management track assessments
 7. Staff: TRAC/TMGC

- 7b. Ms. Etrie moved to further amend and Mr. Salerno seconded:

To add to priority #4

1. Set ABCs/ACLs for roughly half of groundfish stocks for FY2023-2025 and US/CA stocks for FY 2023, revise rebuilding plans for GOM cod and SNE/MA winter flounder; adopt additional measures to promote stock rebuilding
2. Develop metrics to be used in the review process that will evaluate the monitoring system, as per A23 (Multi-year Priority)
3. In consultation with SSC, Revise ABC Control Rules for Northeast Multispecies Stocks
4. Allocate GB Cod to the Recreational fishery and establish Accountability Measures; this would be a multi-year priority informed by the Cod Stock structure work. "During 2022 Groundfish PDT staff would draft a white paper on potential allocation approaches and accountability measures in order to inform and shape subsequent action in 2023."
5. Staff: Research Track Assessments: Haddock, American Plaice, Atlantic Cod
6. Staff: Groundfish management track assessments
7. Staff: TRAC/TMGC

The Council agreed by consensus.

The motion to amend, as amended:

1. Set ABCs/ACLs for roughly half of groundfish stocks for FY2023-2025 and US/CA stocks for FY 2023, revise rebuilding plans for GOM cod and SNE/MA winter flounder; adopt additional measures to promote stock rebuilding

2. Develop metrics to be used in the review process that will evaluate the monitoring system, as per A23 (Multi-year Priority)
3. In consultation with SSC, Revise ABC Control Rules for Northeast Multispecies Stocks
4. Allocate GB Cod to the Recreational fishery and establish Accountability Measures; this would be a multi-year priority informed by the Cod Stock structure work. “During 2022 Groundfish PDT staff would draft a white paper on potential allocation approaches and accountability measures in order to inform and shape subsequent action in 2023.”
5. Staff: Research Track Assessments: Haddock, American Plaice, Atlantic Cod
6. Staff: Groundfish management track assessments
7. Staff: TRAC/TMGC

The Council agreed by consensus.

Monkfish priorities

- 7c. Ms. Etrie moved to amend and Mr. Pentony seconded:
to include consideration of measures to reduce discards in the Southern Fishery Management Area.

The Council agreed by consensus.

Scallop Priorities

- 7d. Ms. Griffin moved to amend on behalf of the scallop Committee to amend the Executive Committee’s priorities recommendations for scallops by removing listening sessions from the annual leasing work priority:

“Conduct scoping for a LA DAS and AA trips leasing program to assess the need for a leasing program, and then decide on whether to move forward with developing an amendment (multi-step approach).”

The motion was perfected to read:

“Conduct scoping for a LA DAS and AA trips leasing program to assess: 1) the need for a leasing program; and 2) what should the leasing program consider, then decide on whether to move forward with developing an amendment (multi-step approach).”

The Council agreed by consensus.

- 7e. Ms. Griffin moved to amend and Mr. Bellavance seconded:
That the Council support a framework adjustment under the lead of the MAFMC to develop possible additional changes to the trip limit.

The Council agreed by consensus.

- 7f. Mr. Olszewski moved to amend on behalf of the Skate Committee

to amend skate work priority from “an action to consider revising the acceptable biological catch/Annual Catch Limit flowchart to better account for known sources of catch” to “task PDT to consider improvements to the acceptable biological catch calculation, specifications formula, and year-end catch accounting to better account for known sources of catch.

The Council agreed by consensus.

Main motion: as amended:

that the Council adopts the 2022 priorities recommended by the Executive Committee as amended today.

For groundfish 1. Set ABCs/ACLs for roughly half of groundfish stocks for FY2023-2025 and US/CA stocks for FY 2023, revise rebuilding plans for GOM cod and SNE/MA winter flounder; adopt additional measures to promote stock rebuilding; 2. Develop metrics to be used in the review process that will evaluate the monitoring system, as per A23 (Multi-year Priority);3. In consultation with SSC, Revise ABC Control Rules for Northeast Multispecies Stocks;4. Allocate GB Cod to the Recreational fishery and establish Accountability Measures; this would be a multi-year priority informed by the Cod Stock structure work. During 2022 Groundfish PDT staff would draft a white paper on potential allocation approaches and accountability measures in order to inform and shape subsequent action in 2023; 5. Staff: Research Track Assessments: Haddock, American Plaice, Atlantic Cod ; 6. Staff: Groundfish management track assessments ;7. Staff: TRAC/TMGC.

For Monkfish the Council will include consideration of measures to reduce discards in the Southern Fishery Management Area.

For Scallops remove listening sessions from the annual leasing work priority: Conduct scoping for a LA DAS and AA trips leasing program to assess: 1) the need for a leasing program; and 2) what should the leasing program consider, then decide on whether to move forward with developing an amendment (multi-step approach)

For Spiny Dogfish the Council support a framework adjustment under the lead of the MAFMC to develop possible additional changes to the trip limit.

For Skates to amend the Council’s 2022 skate work priority from “an action to consider revising the acceptable biological catch/Annual Catch Limit flowchart to better account for known sources of catch” to “task PDT to consider improvements to the acceptable biological catch calculation, specifications formula, and year-end catch accounting to better account for known sources of catch.