

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
September 28-30, 2021
Via Webinar
FINAL MOTIONS

Tuesday, September 28, 2021

ELECTION OF OFFICERS

Chair

Eric Reid was appointed by acclamation.

Vice-Chair

Rick Bellavance was elected.

Executive Committee

Melanie Griffin

Megan Ware

John Pappalardo

MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT (MSA)

1. Mr. Bellavance moved and Dr. Sissenwine seconded:
that the Council approves the comment letter, as modified by the Executive Director based on today's discussion, to Congress on H.R. 4690, the Sustaining America's Fisheries for the Future Act legislation.

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

HERRING COMMITTEE REPORT

Framework 9

2. Mr. Bellavance moved on behalf of the Committee:
that the Council adopt AM Alternative 2 (4.2.1.2) as preferred.
Sub-ACL overages less than 10% would not have a payback provision and clarify the alternative that if the overage is equal to or greater than 10%, the pound for pound payback would only be for catch more than 10%. If the total ACL is exceeded the pound for pound payback would be for the full overage amount and reduced from future sub-ACLs and the total ACL.

Roll call vote:

Yes: Mr. Aarrestad, 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, Mr. Sissenwine, Mr. Smith and Mr. Tracy

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

3. Mr. Bellavance moved on behalf of the Committee:
that the Council add on option similar to Alternative 3 – Rebuilding plan that sets fishing mortality target based on a constant fishing mortality rate estimated to rebuild the resource in seven years. This modification would utilize an F_{rebuild} of $F=0.358$ (66% F_{msy}) as analyzed in Section 1.0, Environmental Impacts of the Alternatives, Table 6 – Sensitivity run for Alternative 3 (a) autocorrelated recruitment (AR).

Roll call vote:

Yes: Ms. Brawn, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Ms. Ware, Ms. Griffin, Dr. Sissenwine and Mr. Tracy

No: Mr. Aarrestad, Mr. Alexander, Mr. Olszewski, Mr. Pappalardo, Mr. Pierdinock and Mr. Smith

Abstain: Mr. Bellavance and Mr. Pentony

The motion *carried* on a roll call vote (9/6/2).

4. Mr. Bellavance moved and Mr. Smith seconded:
that the Council support Rebuilding Plan Alternative 2 (maintain the ABC control rule) as preferred (Section 4.1.2) in Framework 9.

Roll call vote:

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

No: Ms. Etrie and Mr. Salerno

Abstain: Mr. Pentony

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

5. Mr. Bellavance moved and Mr. Pappalardo seconded:
that the Council move Rebuilding Plan Alternative 3A to the considered and rejected section of Framework 9.

Roll call vote:

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

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

Abstain: Mr. Pentony

The motion *carried* on a roll call vote (13/3/1).

6. Mr. Bellavance moved and Mr. Pappalardo seconded:
to submit Framework Adjustment 9 to the Atlantic Herring FMP, as approved by the Council.

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

NS 1 DRAFT TECH MEMO ON ANNUAL CATCH LIMITS (ACLS) FOR DATA-LIMITED STOCKS

7. That the Council approves the comment letter to NOAA/NMFS on the Draft National Standard 1 (NS 1) Technical Guidance document.

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

Wednesday, September 29, 2021

TRANSBOUNDARY MANAGEMENT GUIDANCE COMMITTEE (TMGC) REPORT

1. Ms. Etrie moved and Mr. Salerno seconded:
that the Council approve the TMGC's recommendations on a US/CA TAC for 2022 for Georges Bank yellowtail flounder of 200 mt.

The Council agreed by consensus.

2. Ms. Etrie moved and Ms. Ware seconded:
to recommend approval of the TMGC's recommendations on a US/CA TAC for 2022 for EGB haddock of 14,100 mt.

The Council agreed by consensus.

3. Ms. Etrie moved and Ms. Patterson seconded:
to recommend approval of the TMGC's recommendations on a US/CA TAC for 2022 for EGB cod of 571 mt.

The Council agreed by consensus.

GROUND FISH COMMITTEE REPORT

Framework 63

4. Mr. Bellavance moved on behalf of the Committee:
that due to the potential outcome of the pending 2021 Management Track for Georges Bank cod, Georges Bank cod is to be considered the highest priority under Framework Adjustment 63 under additional measures to promote stock rebuilding.

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

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

5. Mr. Bellavance moved on behalf of the Committee:
that the Council focus on Gulf of Maine cod and Southern New England/Mid-Atlantic winter flounder when developing additional measures to promote stock rebuilding.
- 5a. Ms. Etrie move to amend and Ms. Ware seconded:
that if time allows in Framework 63, we additionally focus on Gulf of Maine cod and Southern New England/Mid-Atlantic winter flounder when developing additional measures to promote stock rebuilding. However, if this would impact our ability to finalize Framework 63 in December, we would move this work to a subsequent action.
- 5b. Mr. Smith moved to further amend and Dr. Sissenwine seconded:
that if time allows in Framework 63, we additionally focus on Gulf of Maine cod second, Southern New England/Mid-Atlantic winter flounder third when developing additional measures to promote stock rebuilding. However, if this would impact our ability to finalize Framework 63 in December, we would move this work to the next available Groundfish action.

Roll call vote:

Yes: Mr. Pappalardo, Dr. Sissenwine and Mr. Smith

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

Abstain: Mr. Pentony

The motion to further amend *failed* on a roll call vote (3/13/1).

Original motion:

that the Council focus on Gulf of Maine cod and Southern New England/Mid-Atlantic winter flounder when developing additional measures to promote stock rebuilding.

The motion to amend:

that if time allows in Framework 63, we additionally focus on Gulf of Maine cod and Southern New England/Mid-Atlantic winter flounder when developing additional measures to promote stock rebuilding. However, if this would impact our ability to finalize Framework 63 in December, we would move this work to the next available Groundfish action.

The motion to amend agreed by consensus.

The main motion:

that if time allows in Framework 63, we additionally focus on Gulf of Maine cod and Southern New England/Mid-Atlantic winter flounder when developing additional measures to promote stock rebuilding. However, if this would impact our ability to finalize Framework 63 in December, we would move this work to the next available Groundfish action.

The main motion agreed by consensus.

Mr. Pentony raised a point of order: because the original motion did not pass the Committee but was postponed to a time certain, it should not have been reported out as a Committee motion. The Chair ruled the point was not well taken given the discussion that occurred since the motion was originally reported.

6. Mr. Bellavance moved on behalf of the Committee:
that the Council develop alternatives to adjust the recreational catch target and develop recreational measures to not exceed the recreational catch target for Georges Bank cod in light of the recent 2021 Georges Bank Cod Management Track assessment.

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

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

Motion postponed from Committee meeting

7. Mr. Bellavance moved on behalf of the Committee:
that the Council develop management measures to adjust the commercial management measures for Georges Bank cod in light of the recent 2021 Georges Bank Cod Management Track assessment.

- 7a. Mr. Bellavance moved to amend and Mr. Godfroy seconded:
that the Council task the PDT to develop gear modification measures, time/area closure alternatives, and/or triggered in-season measures when 50% and/or 75% of GB cod commercial sub-ACL is reached to avoid a fishery closure of the commercial fishery in the Georges Bank broad stock area. These measures should further reduce the catch of cod and promote Georges Bank cod stock rebuilding in consideration of the recent 2021 Georges Bank Management Track Assessment.

- 7b. Ms. Ware moved to substitute and Ms. Brawn seconded:
that the Council task the PDT to develop in-season triggered measures related to the GB cod quota to avoid a fishery closure of the commercial Groundfish fishery.

Roll call vote:

Yes:

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

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

Main motion:

That the Council develop management measures to adjust the commercial management measures for Georges Bank cod in light of the recent 2021 Georges Bank Cod Management Track assessment.

The motion to amend:

That the Council task the PDT to develop gear modification measures, time/area closure alternatives, and/or triggered in-season measures when 50% and/or 75% of GB cod commercial sub-ACL is reached to avoid a fishery closure of the commercial fishery in the Georges Bank broad stock area. These measures should further reduce the catch of cod and promote Georges Bank cod stock rebuilding in consideration of the recent 2021 Georges Bank Management Track Assessment.

Roll call vote:

Yes: Mr. Gates, Mr. Alexander, Mr. Bellavance, Mr. Godfroy, Ms. Patterson and Mr. Olszewski

No: Ms. Brawn, Ms. Etrie, Mr. Salerno, Mr. Pappalardo, Mr. Pentony, Ms. Griffin, Dr. Sissenwine, Mr. Smith and Mr. Tracy

Abstain: Ms. Ware

The motion to amend *failed* on a show of hands (6/9/1).

The main motion

that the Council develop management measures to adjust the commercial management measures for Georges Bank cod in light of the recent 2021 Georges Bank Cod Management Track assessment.

7c. Ms. Etrie moved to amend and Mr. Gates seconded:

that the Council develop management measures to adjust the Common Pool commercial management measures for Georges Bank cod in light of the recent 2021 Georges Bank Cod Management Track assessment.

Roll call vote:

Yes: Mr. Gates, Mr. Alexander, Ms. Etrie, Ms. Patterson and Ms. Ware

No: Mr. Bellavance, Ms. Brawn, Mr. Godfroy, Mr. Salerno, 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 (5/12/0).

The main motion

that the Council develop management measures to adjust the commercial management measures for Georges Bank cod in light of the recent 2021 Georges Bank Cod Management Track assessment.

Roll call vote:

Yes: Mr. Gates, Mr. Alexander, Mr. Godfroy, Ms. Patterson, Mr. Olszewski and Mr. Smith

No: Mr. Bellavance, Ms. Brawn, Ms. Etrie, Mr. Salerno, Ms. Ware, Mr. Pappalardo, Mr. Pierdinock, Mr. Pentony, Ms. Griffin, Dr. Sissenwine and Mr. Tracy

Abstain:

The main motion *failed* on a roll call vote (6/11/0).

NORTHEAST TRAWL ADVISORY PANEL (NTAP)

8. Dr. Sissenwine moved and Mr. Pappalardo seconded:
The NEFMC approves the revised charter for the Northeast Trawl Advisory Panel dated 7/21/2021 [located in NEFMC File Share Site Tab 1 (Correspondence), Folder 9 (NTAP Update)], without changes.

The Council agreed by consensus.

Thursday, September 30, 2021

MONKFISH COMMITTEE REPORT

1. Ms. Etrie moved on behalf of the Committee:
that the Council request that the Northeast Region Coordinating Council and NEFSC maintain their timeline and complete a 2022 monkfish stock assessment.

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

SKATE COMMITTEE REPORT

2. Ms. Etrie moved on behalf of the Committee:
that the Council recommends Alternative 2 (37,236 mt) as the final preferred alternative for the Skate ABC for FY 2022-2023.

The Council agreed by consensus.

3. Ms. Etrie moved and Mr. Salerno seconded:
that the Council submit the FY 2022-2023 Skate Specifications to NOAA Fisheries.

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

4. Ms. Etrie moved on behalf of the Committee:
that the Council initiate a framework adjustment action to consider the measures identified by the Skate Committee and discontinue work on Amendment 5. The framework would clarify the Skate FMP objectives as developed in Amendment 5 and include the alternatives developed through Amendment 5 on the federal skate permit (Section 4.2 of Amendment 5 discussion document).

The Council agreed by consensus.

WHITING COMMITTEE REPORT

5. Mr. Bellavance moved on behalf of the Committee:
that based on the PDT and AP recommendations in the Annual Monitoring Report, the Council should advise the Regional Administrator to not make the automatic adjustment to the southern red hake TAL trigger because of 2020 catch overages. This would leave the 40.4% TAL trigger in place and allow for additional data collection for fishing year 2021.

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