

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Holiday Inn by the Bay, Portland, ME
June 18-20, 2013
MOTIONS

Tuesday, June 18, 2013

HERRING - Discussion of Issues Related to Framework 3

1. Mr. Grout moved on behalf of the committee:
that the Council clarify its intent that the provision in Amendment 5 to establish catch caps for river herring through a framework adjustment applies to both river herring and shad.

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

2. Mr. Grout moved on behalf of the committee:
to add the river herring/shad catch cap species to the list of items that could be modified in the future through a framework adjustment or the fishery specifications process.

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

3. Mr. Grout moved on behalf of the committee:
the goal of Framework 3 is to establish a process for setting river herring/shad catch caps in the Atlantic herring fishery to achieve the following objectives:
- provide strong incentive for the industry to continue to avoid river herring/shad and reduce river herring/shad catch to the extent practicable
 - enhance coordination with the Mid-Atlantic Council to address overlapping fisheries
 - promote flexibility to adjust the cap in the future as more information becomes available

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

4. Mr. Grout moved on behalf of the committee:
that the river herring/shad catch cap apply to all trips landing more than the open access possession limit of 6,600 lbs. of Atlantic herring.

- 4a. Mr. Goethel moved to amend and Mr. Kendall seconded:
that the river herring/shad catch cap apply to all trips landing more than 20,000 lbs.

The motion to amend **failed** on a show of hands (1/15/0).

- 4b. Mr. Dempsey moved to amend and Mr. Goethel seconded:
to develop two alternatives in Framework 3 for consideration: 1) apply the river herring/shad catch cap with all trips landing more than 6,600 lbs. of sea herring; and 2) apply the river herring/shad catch cap to only trips landing more than 55,000 lbs. of Atlantic herring.

The motion to amend **failed** on a show of hands (4/12/0).

- 4c. The main motion was voted:
that the river herring/shad catch cap apply to all trips landing more than the open access possession limit of 6,600 pounds of Atlantic herring.

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

5. Mr. Grout moved on behalf of the committee:
that the catch cap areas for the Atlantic herring fishery be analyzed by statistical area, season and gear type.
- 5a. Mr. Stockwell moved to substitute and Mr. Preble seconded:
that the catch cap areas for the Atlantic herring fishery be analyzed by herring management area and gear type.
- 5b. Ms. Tooley moved and Ms. Ramsden seconded:
to table the previous motion (#5) until the end of the committee motions.

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

6. Mr. Grout moved on behalf of the committee:
to recommend that the PDT analyze options for catch caps based on the herring management areas.

The motion **failed** on a show of hands (7/8/1).

7. Mr. Stockwell moved and Mr. Dempsey seconded:
to bring the tabled motion back up for discussion.

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

- 7a. The tabled motion was discussed:
that the catch cap areas for the Atlantic herring fishery be analyzed by herring management area and gear type.
- 7b. Mr. Stockwell moved to substitute and Mr. McKenzie seconded:
that the catch cap areas for the Atlantic herring fishery be analyzed by statistical area clusters and gear type.

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

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

ATLANTIC STURGEON

8. Mr. Goethel moved and Mr. Stockwell seconded:
to allow the Chair to submit comments on behalf of the Council related to the status of Atlantic sturgeon.

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

Wednesday, June 19, 2013

GROUND FISH

1. Mr. Stockwell moved on behalf of the committee:
recommend the Council replace existing Amendment 18 goals with the following from the Groundfish Advisory Panel (GAP) motion from June 10, 2013:
 1. promote a diverse groundfish fishery, including different gear types, vessel sizes, geographic locations, and levels of participation through sectors and permit banks;
 2. enhance sector management to effectively engage industry to achieve management goals and improve data quality;
 3. promote resilience and stability of fishing businesses by encouraging diversification, quota utilization and capital investment.

- 1a. Dr. Pierce moved to substitute and Mr. Goethel seconded:
to improve sector management accountability and transparency by preventing an individual(s), corporation(s), and/or other entity(ies) from acquiring market power for the control of groundfish fishing privileges and prices that would:
 - (1) exclude equitable opportunities for participation in the fishery;
 - (2) unfairly disadvantage crew, small-vessel operators, and fishing communities;
 - (3) allow strategic manipulation of fishery access privilege and/or asset values to the detriment of fishery participants, or
 - (4) impede competition through permit and ACE/PSC use consolidation.

Yes – Mr. M. Alexander, Mr. Bullard, Mr. Goethel, Mr. Grout, Mr. McKenzie, Dr. Pierce, Mr. Quinn,
No – Mr. T. Alexander, Mr. Balzano, Mr. Blount, Mr. Dempsey, Mr. Gibson, Mr. Kendall, Mr. Preble,
Ms. Ramsden, Mr. Stockwell, Ms. Tooley
Abstention(s) –

The motion to substitute **failed** on a roll call vote (7/10/0).

- 1b. Mr. Bullard moved to amend and Mr. Gibson seconded:
recommend the Council replace existing Amendment 18 goals with the following from the GAP motion from June 10, 2013:
 1. promote a diverse groundfish fishery, including different gear types, vessel sizes, ownership patterns, geographic locations, and levels of participation through sectors and permit banks;
 2. enhance sector management to effectively engage industry to achieve management goals and improve data quality;
 3. promote resilience and stability of fishing businesses by encouraging diversification, quota utilization and capital investment.

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

- 1c. Mr. Grout moved to amend and Dr. Pierce seconded:
recommend the Council replace existing Amendment 18 goals with the following from the GAP motion from June 10, 2013:
1. promote a diverse groundfish fishery, including different gear types, vessel sizes, ownership patterns, geographic locations, and levels of participation through sectors and permit banks;
 2. enhance sector management to effectively engage industry to achieve management goals and improve data quality;
 3. promote resilience and stability of fishing businesses by encouraging diversification, quota utilization and capital investment.
 4. to prevent any individual(s), corporation(s), or other entity(ies) from acquiring or controlling excessive shares of the fishery access privileges.

Yes – Ms. Tooley, Mr. Stockwell, Ms. Ramsden, Mr. Quinn, Mr. Preble, Dr. Pierce, Mr. McKenzie, Mr. Kendall, Mr. Grout, Mr. Goethel, Mr. Gibson, Mr. Dempsey, Mr. Bullard, Mr. Blount, Mr. Balzano, Mr. T. Alexander, Mr. M. Alexander

No –

Abstention(s) –

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

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

2. Mr. Stockwell moved on behalf of the committee:
to strike the existing Amendment 18 objectives to be consistent with the GAP recommendation.

The motion **carried** on a show of hands (15/2/0).

3. Mr. Stockwell moved and Mr. T. Alexander seconded:
to initiate Framework Adjustment 51.

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

4. Mr. Grout moved and Mr. Stockwell seconded:
to have the Groundfish Committee consider including the concept of the Northeast Hook Fishermen's Association proposal as outlined in their April 7, 2013 letter to the Council in Amendment 18 for analysis.

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

5. Mr. Goethel moved and Ms. Ramsden seconded:
that the intent of Amendment 18 is not to backfill Amendment 16 into a limited access privilege program (LAPP).

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

HABITAT

6. Mr. Preble moved on behalf of the committee:
to clarify that the Council would use a possible combination of status quo measures, CATT/PDT alternatives, and SASI-derived areas to achieve the stated goals and objectives of this amendment, but that the proposed management areas are not intended to be additive.
- 6a. Mr. T. Alexander moved to substitute and Mr. Balzano seconded:
it is the intent of the Council that the Council look at new closures and habitat areas to replace or revise the old mortality closures and habitat areas and not to have additional closures on top of what is currently in existence.
- 6b. The substitute motion was perfected to read:
that the Council consider new closures and habitat areas to replace, if warranted, the old mortality closures and habitat areas and not to have additional closures on top of what is currently in existence.

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

- 6c. Mr. Dempsey moved to amend and Mr. Preble seconded:
to clarify that the Council would use a possible combination of status quo measures, CATT/PDT alternatives, and SASI-derived areas to achieve the stated goals and objectives of this amendment, but that the proposed management areas are not intended to be additive. The intent is to supersede or modify existing mortality closures or habitat measures.

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

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

7. Mr. Preble moved on behalf of the committee:
related to spawning protections, analyze the following alternatives in the omnibus amendment: (1) status quo of all seasonal and year-round groundfish areas (2) current cod protection areas, current sector rolling closure areas, Closed Area I (CAI) and Closed Area II (CAII) as seasonal areas from February until May, and the May closure east of Cape Cod. Additional revisions to spawning management areas will be considered in the next appropriate groundfish action. Also, to add spawning protection measures to the list of frameworkable items defined in the omnibus amendment.

- 7a. Mr. Dempsey moved to amend and Dr. Pierce seconded:
related to spawning protections, analyze the following alternatives in the omnibus amendment: (1) status quo of all seasonal and year-round groundfish areas (2) current cod protection areas, current sector rolling closure areas, CAI and CAII as seasonal areas from February until May, and the May closure east of Cape Cod. Additional revisions to spawning management areas will be considered in groundfish Framework 51. Also, to add spawning protection measures to the list of frameworkable items defined in the omnibus amendment.

The motion to amend **failed** on a show of hands (2/15/0).

- 7b. Mr. McKenzie moved to substitute and Mr. Kendall seconded:
that the Council include the following spawning alternatives for analysis in the omnibus amendment:
(1) status quo of all seasonal and year-round groundfish areas (2) current cod protection areas, current sector rolling closure areas, CAI and CAII as seasonal areas from February until May, and the May closure east of Cape Cod. Additional revisions to spawning management areas will be considered in the next appropriate groundfish action;
2. include for analysis in the omnibus amendment the existing year-round groundfish and habitat closed areas (the no action alternatives) for juvenile fish protections, and analyze the CATT juvenile protection areas (two Bigelow Bight areas, Eastern Maine, Toothaker Ridge, Machias and southeast parts) in the next appropriate groundfish action;
3. add spawning and juvenile protection measures to the list of frameworkable items defined in the omnibus amendment.

- 7c. Mr. McKenzie moved to amend the substitute and Mr. Gibson seconded:
that the Council include the following spawning alternatives for analysis in the omnibus amendment:
(1) status quo of all seasonal and year-round groundfish areas (2) current cod protection areas, current sector rolling closure areas, CAI and CAII as seasonal areas from February until May, and the May closure east of Cape Cod. Additional revisions to spawning management areas will be considered in the next appropriate groundfish action;
2. add spawning and juvenile protection measures to the list of frameworkable items defined in the omnibus amendment.

The motion to amend the substitute **carried** on a show of hands (9/8/0).

The substitute motion, as amended, **carried** on a show of hands (10/7/0).

The main motion, as substituted, **carried** on a show of hands (10/7/0).

8. Mr. Preble moved on behalf of the committee:
that the designated habitat management areas should only extend inshore to the state/federal waters boundary.

The motion was agreed to by **consensus**.

9. Mr. Preble moved on behalf of the committee:
that the Council include for analysis in the DEIS the following: WGOM Alternative 2, WGOM Alternative 3, and WGOM Alternative 5.

- 9a. Mr. Goethel moved to amend and Mr. Kendall seconded:
that the Council include for analysis in the DEIS the following: WGOM Alternative 2, WGOM Alternative 3, and WGOM Alternative 5 without the Bigelow Bight areas.

Yes – Mr. Goethel, Mr. Kendall, Mr. Quinn, Ms. Ramsden, Ms. Tooley, Mr. T. Alexander, Mr. Balzano
No – Mr. Grout, Mr. McKenzie, Dr. Pierce, Mr. Preble, Mr. Stockwell, Mr. M. Alexander, Mr. Blount, Mr. Bullard, Mr. Dempsey, Mr. Gibson
Abstention(s) –

The motion to amend **failed** on a roll call vote (7/10/0).

- 9b. The main motion was voted:
that the Council include for analysis in the DEIS the following: WGOM Alternative 2, WGOM Alternative 3, and WGOM Alternative 5.

The motion **carried** on a show of hands (10/7/0).

10. Mr. Preble moved on behalf of the committee:
recommend that the Council include an option for analysis in the DEIS to prohibit rockhopper gear greater than 12 inches in the following areas as a habitat management measure: (1) the existing 12-inch roller gear area in the groundfish FMP, (2) within all the CATT/PDT identified areas in the WGOM region, specifically those areas in Alternative 3 plus the extension of the SERA II area into Massachusetts Bay.

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

11. Mr. Preble moved on behalf of the committee:
that the Council include for analysis in the DEIS Alternatives 2 and 3 for the central GOM region, but without the Machias area or the modification of the eastern Maine area.

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

12. Mr. Preble moved on behalf of the committee:
that the Council include for analysis in the DEIS Alternatives 3 and 4 for the eastern GOM region, with Alternative 4 modified to exclude the larger version of the eastern Maine area.

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

13. Mr. Preble moved on behalf of the committee:
that the Council include for analysis in the DEIS Alternatives 1-5 for Georges Bank.

- 13a. Ms. Tooley moved to amend and Mr. T. Alexander seconded:
to delete Alternatives 2 and 4 in this section and modify Alternative 3 by removing the southeast part.

The motion to amend **carried** on a show of hands (9/8/0).

The main motion, as amended, **carried** on a show of hands (13/4/0).

14. Ms. Tooley moved and Mr. Quinn seconded:
to add an alternative under Georges Bank that would be based on the area proposed by the Fisheries Survival Fund (FSF) and to exclude measures providing for protection for juvenile haddock.

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

Thursday, June 20, 2013

HABITAT – *continued from the previous day*

1. Mr. Preble moved on behalf of the committee:
that the Council include for analysis in the DEIS Alternatives 1, 2, 3 and 5 for the Great South channel, and to add an additional extension for Alternative 2 that would have an Eastern Boundary line parallel to the eastern line of the C extension, and a Northern Boundary of 41°30', a Southern Boundary of 40°58', and extending east to the eastern point of Extension B.

1a. Mr. T. Alexander moved to amend and Ms. Tooley seconded:
that the Council include for analysis in the DEIS Alternatives 1, 2, 3 and 5 for the Great South Channel and that the extension is removed from Alternative 2.

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

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

2. Mr. Preble moved on behalf of the committee:
that the Council include for analysis in the DEIS: (1) a closure of the core area extended to state waters at 69°50', (2) the CAI northern habitat closure as a haddock seasonal spawning closure with dates of February 1-April 30, (3) the CAI southern habitat closure as a DHRA, and (4) identify existing and proposed habitat areas for extended monitoring for future gear modification areas.

2a. Mr. Stockwell moved to substitute and Mr. Preble seconded:
to approve for analysis in the DEIS an alternative to include the Nantucket Shoals area to extend west to 70 degrees (not including state waters, Southern boundary 40 degrees 50 minutes N latitude, Northern boundary 41 degrees 30 minutes N latitude, Eastern boundary 69 degrees 30 minutes W longitude) as an adverse effects area, an area between the adverse effects and CAI as a gear effects study area, the CAI south as a DHRA, and CAI north as a February-April spawning protection area.

The motion to substitute **carried** on a show of hands (12/3/0).

The main motion, as substituted, **carried** on a show of hands (13/3/0).

3. Mr. Preble moved on behalf of the committee:
that for the Georges Shoals and Great South Channel habitat management areas, include an option for modified ground cables that would not exceed 45 fathoms in length per side and that would be elevated off the seafloor using 20 cm diameter discs at 5 fathom spacing.

3a. Mr. Stockwell moved to amend and Mr. T. Alexander seconded:
that for all the habitat management areas, include an option for modified ground cables that would not exceed 45 fathoms in length per side and that would be elevated off the seafloor using 20 cm diameter discs at 5 fathom spacing.

The motion to amend **carried** on a show of hands (8/7/0).

The main motion, as amended, **carried** on a show of hands (11/4/0).

4. Mr. Preble moved on behalf of the committee:
that in the no ground cable option the maximum length of bridles be 30 fathom per side.

The motion **carried** on a show of hands (15/0/1).
5. Mr. Preble moved on behalf of the committee:
that the Council include for analysis an alternative to exempt the clam fishery from all or some habitat management areas (HMAS).

The motion **carried** on a show of hands (12/3/0).
6. Mr. Preble moved on behalf of the committee:
that gear modifications within habitat management areas open to fishing be a frameworkable item.
- 6a. The motion was perfected to read:
that gear modifications within habitat management areas be a frameworkable item.

The motion, as perfected, **carried** unanimously on a show of hands (16/0/0).
7. Mr. Preble moved on behalf of the committee:
to include as an alternative, that a DHRA is removed after three years if no research has been initiated.
- 7a. Dr. Pierce moved to amend and Mr. McKenzie seconded:
to include as an alternative, that a DHRA is removed after five years if no research has been initiated.

The motion to amend **failed** on a show of hands (6/9/0).

The main motion **carried** on a show of hands (14/2/0).
8. Mr. Preble moved and Mr. Quinn seconded:
to include a no closure alternative in each region (separately).

The motion **carried** on a show of hands (10/6/0).
9. Mr. Dempsey moved and Mr. Kendall seconded:
to include an alternative allowing modified scallop dredge in the Great South Channel habitat management area.

The motion **failed** on a show of hands (5/10/0).
10. Mr. T. Alexander moved and Mr. Kendall seconded:
that future development and evaluation of management measures will be improved by a well-designed research and monitoring program and mechanisms for timely adaptation based on measured performance against clear metrics is recommended.

- 10a. Mr. Grout moved to substitute and Mr. T. Alexander seconded:
to task the CATT/PDT with developing a performance review process of the habitat and spawning management areas.

The motion to substitute **carried** unanimously on a show of hands (15/0/0).

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

11. Mr. Grout moved Mr. T. Alexander seconded:
to direct the PDT, when conducting analysis for Omnibus Amendment 2 DEIS, to include habitat and fisheries management measures that have reduced impacts to EFH since 1996 including, but not limited to, realized reductions in swept area and gear restricted areas.

The motion **carried** without objection.

TMGC

12. Mr. T. Alexander moved and Mr. McKenzie seconded:
that the Council agrees with the concept of implementing U.S./Canada trading mechanisms.

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

ENFORCEMENT

13. Mr. T. Alexander moved and Mr. Goethel seconded:
that the Council accept the Enforcement Precepts as presented to replace its current enforcement policy.

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

MONKFISH

14. Mr. Dempsey moved and Mr. T. Alexander seconded:
to initiate Framework Adjustment 8 to the monkfish FMP to implement revised specifications of days-at-sea and trip limits for FY 2014-2016 and other modifications to the current management plan.

The motion **carried** unanimously on a show of hands (10/0/0).

15. Mr. Dempsey moved on behalf of the committee:
to adopt revisions to the cooperative research program priorities.

The motion **carried** unanimously on a show of hands (13/0/0).

SBRM

16. Mr. Stockwell moved and Mr. Kendall seconded:
to approve the draft SBRM amendment for public comment.

The motion **carried** unanimously on a show of hands (13/0/0).