

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
DoubleTree by Hilton, Danvers, MA
February 25-26, 2014

MOTIONS

Tuesday, February 25, 2014

RECREATIONAL GROUND FISH FISHERY

1. Dr. Pierce moved and Mr. Grout seconded:
that the Council recommends that NMFS consider for FY2014 recreational AMs for Gulf of Maine (GOM) cod and haddock, a combination of measures that include: a Wave 2 (March and April) closure for cod and haddock, an increase in the minimum size for cod and haddock to 22 inches, and no changes to the bag limits for cod and haddock (i.e., a 9-fish bag limit for cod and no bag limit for haddock).

The motion **carried** on a show of hands (11/3/2).

2. Mr. Grout moved and Ms. Goethel seconded:
that the Council recommends that NMFS consider for FY2014 recreational AMs for GOM cod and haddock, a combination of measures that include: a Wave 5 (September and October) closure for cod and haddock, an increase in the minimum size for cod to the current minimum size limit for haddock at 21 inches, and in addition adjustments to the bag limits for cod and haddock that would be needed to achieve the FY2014 ACLs.

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

HABITAT

3. Mr. McKenzie moved and Mr. M. Alexander seconded:
that the Council task the SSC with providing scientific guidance to the Council, no later than August 1, 2014, on the alternatives in the habitat Omnibus Habitat Amendment 2 (OHA2) draft environmental impact statement (DEIS), evaluating these alternatives against the goals and objectives for the Essential Fish Habitat (EFH) omnibus amendment and the Magnuson-Stevens Act (MSA) definition and guidance on EFH.
- 3a. Mr. Grout moved to amend and Ms. Goethel seconded:
that the Council task the SSC with providing scientific guidance to the Council, no later than August 1, 2014, on the alternatives in the habitat OHA2 DEIS.

The motion to amend **failed** on a show of hands (2/13/1).

The main motion **failed** on a show of hands (3/12/1).

4. Mr. Quinn moved and Ms. Goethel seconded:
- a) that the Council selects Alternative 6 as its preferred habitat management alternative in the Western Gulf of Maine (WGOM) sub-region. This alternative would modify the WGOM habitat closure to become the large Stellwagen habitat management area (HMA). The WGOM groundfish closure would be removed. Measures for the areas are closed to mobile bottom tending gear, Option 1, except for the Georges Bank (GB) and Great South Channel (GSC) sub-regions where groundfish and scallop interests agree to having their gears prohibited and will allow other bottom tending mobile gears to present their cases.
 - b) that the Council selects Alternative 4 as its preferred habitat management alternative in the Central GOM sub-region. This alternative would modify the boundaries of the Cashes Ledge and Jeffreys Bank HMAs, and designate the Ammen Rock HMA. The Cashes Ledge groundfish closure would be removed. Measures for the areas are closure to mobile bottom tending gear, Option 1.
 - c) that the Council selects a modified Alternative 3 as its preferred habitat management alternative in the Eastern GOM sub-region. Modifications from the draft DEIS document include removal of the Toothaker Ridge HMA. This alternative, as modified, would designate the small Eastern Maine and Machias HMAs. Measures for the areas are closure to mobile bottom tending gear, Option 1.
 - d) that the Council selects Alternative 1 (no action) as its preferred spawning management alternative in the GOM region. This does not adopt any new spawning closures, and does not change the rationale for the closures that remain in place.
 - e) that the Council selects Alternatives 3b and 5 as its preferred research area alternatives. Alternative 3 designates the Stellwagen Dedicated Habitat Research Area (DHRA) with reference area Option B (northern reference area) measures for the areas and are as described in the draft DEIS document. Alternative 5 implements a sunset provision for designated DHRAs.
 - f) that the Council chooses to add the Associated Fisheries of Maine/Northeast Seafood Coalition/Fisheries Survival Fund alternative and select it as its preferred habitat management alternative in the Georges Bank sub-region. This alternative would designate two habitat management areas, one between cultivator and Georges Shoals and another overlapping the southern portion of the Closed Area II habitat closure. The existing Closed Area I and Closed Area II habitat and groundfish closures would be removed. Measures for the areas are closure to mobile bottom tending gear; groundfish and scallop interests agree to prohibit their own gears at this time.
 - g) the Council selects Alternative 5 as its preferred habitat management alternative in the GSC/SNE sub-region. This alternative would designate the Nantucket Shoals and Cox Ledge HMAs, and remove the Nantucket Lightship habitat and groundfish closures. Measures for the areas are closure to mobile bottom tending gear; groundfish and scallop interests agree to prohibit their own gears at this time.

h) the Council selects Alternative 2b as its preferred spawning management alternative in the Georges Bank/Southern New England region. This alternative would make the Closed Area I and Closed Area II groundfish closures seasonal and remove the Nantucket Lightship groundfish closure and May closure. Modifications from the draft DEIS document include changing the season end date from April 30 to April 15. Measures for the areas are as described in the draft DEIS document.

- 4a. Ms. Tooley moved and Mr. Bullard seconded:
that the previous motion be divided so as to separately consider the measures proposed for each sub-region or region (the motion would be divided by its sub-paragraphs).

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

Sub-paragraph (a):

That the Council selects Alternative 6 as its preferred habitat management alternative in the WGOM sub-region. This alternative would modify the WGOM habitat closure to become the large Stellwagen HMA. The WGOM groundfish closure would be removed. Measures for the areas are closure to mobile bottom tending gear, Option 1 except for the Georges Bank and GSC sub-regions where groundfish and scallop interests agree to having their gears prohibited and will allow other bottom tending mobile gears to present their cases.

- 4b. Dr. Pierce moved to substitute and Mr. McKenzie seconded:
that the Council select Alternative 1 as the preferred habitat management alternative in the WGOM sub-region.

- 4c. Mr. Grout moved to amend and it was seconded:
that the Council select Alternative 1 as the preferred habitat management alternative in the WGOM sub-region and that for Section 2.1.2 Eastern GOM, select Alternative 2, Option 1; Section 2.1.2, Central GOM, select Alternative 3, Option 1 with the Ammen Rock closed to all fishing gear except lobster pots; and in Section 2.1.3 add in Alternative 7a.

The Chair ruled the motion **out of order**.

The motion to substitute (4b) **carried** on a roll call vote (10/5/1).

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

- 4d. Mr. Dempsey moved to substitute and Ms. Ramsden seconded:
that the Council identify no preferred alternative in the omnibus Habitat Amendment 2 and instead approve the draft EIS for initial submission and public hearings.

The Chair ruled the motion **out of order**.

- 4e. Ms. Goethel moved to amend the substitute and Mr. Kendall seconded: that the Council select Alternatives 1 and 7a (12-inch roller gear restriction) as the preferred habitat management alternatives in the WGOM.

The motion to amend the substitute **carried** on a show of hands (8/7/1).

- 4f. Mr. T. Alexander moved to substitute and Ms. Ramsden seconded: to add an alternative and to select as the preferred alternative, Alternative 5 less the Bigelow Bight area.

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

- 4g. Ms. Tooley moved to amend the substitute and Mr. T. Alexander seconded: to allow shrimp fishing in the areas north and west of Jeffreys Ledge HMA.

The motion to amend the substitute **carried** on a show of hands (14/1/1).

- 4h. Mr. Dempsey moved but it **failed for lack of a second**: to postpone the substitute motion, as amended, until a discussion regarding whether we should continue choosing preferred alternatives in the document prior to approving the draft EIS for initial submission and public hearings.

- 4i. The substitute motion, as amended, was voted: that the Council select Alternatives 1 and 7a (12-inch roller gear restriction) as the preferred habitat management alternatives in the WGOM and to allow shrimp fishing in the areas north and west of Jeffreys Ledge HMA.

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

Sub-paragraph (b):

That the Council selects Alternative 4 as its preferred habitat management alternative in the central GOM sub-region. This alternative would modify the boundaries of the Cashes Ledge and Jeffreys Bank HMAs, and designate the Ammen Rock HMA. The Cashes Ledge groundfish closure would be removed. Measures for the areas are closure to mobile bottom tending gear, Option 1.

5. Mr. McKenzie moved to substitute and Mr. Blount seconded: that the Council selects Alternative 1 as its preferred habitat management alternative in the Central GOM sub-region.

The motion to substitute **failed** on a show of hands (4/11/1).

- 5a. Mr. Grout moved to substitute and Mr. Preble seconded: that the Council selects Alternative 3, Option 1 as its preferred habitat management alternative in the Central GOM sub-region.

- 5b. Mr. Kendall moved to amend the substitute and it was seconded:
to eliminate the areas from Platts 1 and 2 from Alternative 3.

The motion to amend **failed** on a show of hands (4/11/1).

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

- 5c. The main motion was voted:

Sub-paragraph (b) - that the Council selects Alternative 4 as its preferred habitat management alternative in the central GOM sub-region. This alternative would modify the boundaries of the Cashes Ledge and Jeffreys Bank HMAs, and designate the Ammen Rock HMA. The Cashes Ledge groundfish closure would be removed. Measures for the areas are closure to mobile bottom tending gear, Option 1.

The motion **carried** on a show of hands (10/5/1).

Sub-paragraph (c):

That the Council selects a modified Alternative 3 as its preferred habitat management alternative in the Eastern GOM sub-region. Modifications from the draft DEIS document include removal of the Toothaker Ridge HMA. This alternative, as modified, would designate the small Eastern Maine and Machias HMAs. Measures for the areas are closure to mobile bottom tending gear, Option 1.

6. Mr. McKenzie moved to substitute and Mr. M. Alexander seconded:
that the Council select Alternative 2 as its preferred habitat management alternative in the Eastern GOM sub-region.

- 6a. Mr. T. Alexander moved to amend and Ms. Tooley seconded:
to close the areas down to all vessels capable of catching groundfish.

The motion to amend **carried** on a show of hands (8/6/2).

- 6b. The substitute motion as amended was voted:
that the Council select Alternative 2 as its preferred habitat management alternative in the Eastern GOM sub-region and to close the areas down to all vessels capable of catching groundfish.

The motion to substitute, as amended, **carried** on a show of hands (12/4/0).

The substitute motion, as amended, **carried** on a show of hands (11/5/0).

Sub-paragraph (d)

That the Council selects Alternative 1 (no action) as its preferred spawning management alternative in the GOM region. This does not adopt any new spawning closures, and does not change the rationale for the closures that remain in place.

7. Dr. Pierce moved to amend and Mr. McKenzie seconded:
to add the Massachusetts Bay spawning area closure as an alternative and select it as a preferred alternative.

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

- 7a. The main motion, as amended, was voted:
Sub-paragraph (d) - that the Council selects Alternative 1 (no action) as its preferred spawning management alternative in the GOM region and to add the Massachusetts Bay spawning area closure as an alternative and select it as a preferred alternative. This does not adopt any new spawning closures, and does not change the rationale for the closures that remain in place.

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

Sub-paragraph (e):

That the Council selects Alternatives 3b and 5 as its preferred research area alternatives. Alternative 3b designates the Stellwagen DHRA with reference area Option B (northern reference area) measures for the areas are as described in the draft DEIS document. Alternative 5 implements a sunset provision for designated DHRAs.

8. Mr. Kendall moved to amend and Mr. Blount seconded:
to strike Alternative 3b and make it Alternative 3c.

The motion to amend **failed** on a show of hands (2/12/2).

- 8a. Mr. Grout moved to amend and Dr. Pierce seconded:
to include Alternative 2 (Eastern Maine DHRA) as an additional research area alternative.

The motion to amend **carried** on a show of hands (13/0/3).

- 8b. The main motion, as amended, was voted:
Sub-paragraph (e) - that the Council selects Alternatives 3b, 5 and Alternative 2 (Eastern Maine DHRA) as its preferred research area alternatives. Alternative 3b designates the Stellwagen DHRA with reference area Option B (northern reference area) measures for the areas are as described in the draft DEIS document. Alternative 5 implements a sunset provision for designated DHRAs and Alternative 2 is the Eastern Maine DHRA.

The motion **carried** on a show of hands (13/2/1).

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Sub-paragraph (f):

That the Council chooses to add the Associated Fisheries of Maine/Northeast Seafood Coalition/Fisheries Survival Fund (AFM/NSC/FSF) alternative and select it as its preferred habitat management alternative in the GB sub-region. This alternative would designate two habitat management areas, one between cultivator and Georges Shoals and another overlapping the southern portion of the Closed Area II habitat closure. The existing Closed Area I and Closed Area II habitat and groundfish closures would be removed. Measures for the areas are closure to mobile bottom tending gear, groundfish and scallop interests agree to prohibit their own gears at this time.

1. Mr. Grout moved to amend and Mr. Kendall seconded:
that the Council choose to add the AFM/NSC/FSF alternative in the GB sub-region. This alternative would designate two habitat management areas, one between cultivator and Georges Shoals and another overlapping the southern portion of the Closed Area II habitat closure. The existing Closed Area I and Closed Area II habitat and groundfish closures would be removed. Measures for the areas are closure to mobile bottom tending gear, groundfish and scallop interests agree to prohibit their own gears at this time.

The motion to amend **carried** on a show of hands (14/1/1).

- 1a. Mr. Kendall moved to amend and Ms. Ramsden seconded:
that the Council choose to add AFM/NSC/FSF alternative in the GB sub-region. This alternative would designate two habitat management areas, one between cultivator and Georges Shoals and another overlapping the southern portion of the Closed Area II habitat closure. The existing Closed Area I and Closed Area II habitat and groundfish closures would be removed. The alternative will be analyzed as Options 1 and 2 for management measures in the area.

The motion to amend **carried** on a show of hands.

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

2. Mr. T. Alexander moved and Mr. Preble seconded:
to not pick a preferred alternative on George Bank.

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

3. Mr. McKenzie moved and Mr. M. Alexander seconded:
that the Council put forward for analysis and inclusion in the DEIS both northern edge proposals submitted on February 19, 2014 by AFM/NSC/FSF and by Conservation Law Foundation/Earthjustice/Natural Resources Defense Council /Oceana/PEW with regards to Option 1 and Option 2 for management measures.

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

Sub-paragraph (g):

That the Council selects Alternative 5 as its preferred habitat management alternative in the GSC/SNE sub-region. This alternative would designate the Nantucket Shoals and Cox Ledge HMAs, and remove the Nantucket Lightship habitat and groundfish closures. Measures for the areas are closure to mobile bottom tending gear, groundfish and scallop interests agree to prohibit their own gears at this time.

4. Mr. Dempsey moved to substitute and Mr. McKenzie seconded:
that the Council choose no preferred habitat alternative for the GSC/SNE sub-region.

The motion to substitute **carried** on a show of hands (13/3/0).

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

5. Dr. Pierce moved and Mr. T. Alexander seconded:
that for the GSC/SNE habitat management alternatives, that Option 2 be modified so that it would read “no mobile bottom tending gears with an exemption for hydraulic clam dredges and additionally, gillnets and hooks will be prohibited.” [This is intended for commercial vessels only]
- 5a. The motion was perfected to read:
that for the GSC/SNE habitat management alternatives, to add a 5th option for management measures that would prohibit sink gillnets and commercial groundfish hook fishing.

The motion, as perfected, **failed** on a show of hands (3/12/0).

Sub-paragraph (h):

That the Council selects Alternative 2b as its preferred spawning management alternative in the GB/SNE region. This alternative would make the Closed Area I and Closed Area II groundfish closures seasonal and remove the Nantucket Lightship groundfish closure and May closure. Modifications from the draft DEIS document include changing the season end date from April 30 to April 15. Measures for the areas are as described in the draft DEIS document.

6. Ms. Tooley moved to amend and Ms. Ramsden seconded:
that scallop dredges be listed as exempt from spawning alternatives.

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

- 6a. The main motion was voted:
that the Council selects Alternative 2b as its preferred spawning management alternative in the GB/SNE region. This alternative would make the Closed Area I and Closed Area II groundfish closures seasonal and remove the Nantucket Lightship groundfish closure and May closure. Modifications from the draft DEIS document include changing the season end date from April 30 to April 15. Measures for the areas are as described in the draft DEIS document.

The motion **carried** on a show of hands (10/4/2).

7. Mr. Grout moved and Ms. Ramsden seconded:
that a sub-option under any of the spawning alternatives on Georges Bank would have scallop dredges as exempted from spawning alternatives.

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

8. Mr. McKenzie moved and Mr. Preble seconded:
to designate Alternative 4 as a preferred alternative for the DHRA and that Alternative 5 be added as a sunset provision.

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

9. Ms. Goethel moved and Dr. Pierce seconded:
that the Council adopt a framework adjustment monitoring Alternative 2 with the maximum 10-year intervals as a preferred alternative.

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

10. Mr. Preble moved and Mr. T. Alexander seconded:
to approve the DEIS for Omnibus EFH Amendment 2, with Council modifications and preferred alternatives, for public comment and initial submission to NOAA fisheries.

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

OTHER BUSINESS

11. Mr. T. Alexander moved and Mr. Preble seconded:
that the Council initiate a narrow and focused framework adjustment to revise the accountability measures for the groundfish fishery sub-ACLs for northern and southern windowpane flounder, that would be retroactive for FY2014. The first framework meeting will be the next groundfish committee meeting.

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

12. Mr. T. Alexander moved and Ms. Goethel seconded:
to guide staff resources and any impacts to Council priorities as a result of the groundfish sub-ACL framework, move spawning priority from the annual to multi-year priority category since the omnibus habitat amendment outcome will largely dictate the direction of spawning measures development.

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