

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Holiday Inn by the Bay, Portland, ME
June 17-19, 2014
DRAFT MOTIONS

Wednesday, June 18, 2014

GROUNDFISH COMMITTEE REPORT

FRAMEWORK 52

1. Mr. Blount moved on behalf of the committee:
That for Framework Adjustment 52 that Option 2/sub-Option A (modified AM trigger that incorporates stock status and biomass) and Option 2/sub-Option B (consideration of catch performance over the most recent two-year period when determining AM implementation) be preferred alternatives for northern and southern windowpane flounder stocks, with guidance to NMFS that if an AM is implemented to select Option 2/sub-Option A, Option 2/sub-Option B, or a combination of both options that minimizes the economic impacts to the groundfish fishery the most, and that Option 3 (northern windowpane flounder seasonal AM) be rejected.

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

2. Mr. Blount moved and Ms. Ramsden seconded:
that the Council submit Framework Adjustment 52, to the Regional Office for approval.

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

AMENDMENT 18

3. Mr. Blount moved on behalf of the committee:
to move section 4.3.2 Alternative 2, option 1 (Handgear A permit potential sector contribution in sectors to only be used by Handgear A fishermen, except those leased to other gear types in fy12-13) to the considered but rejected section, and to revise option a to be consistent with current Handgear A qualification criteria years.

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

4. Mr. Blount moved on behalf of the committee:
to replace Section 4.3.2 (establish a fishery for Handgear A permits) Alternative 2, Option B (other fishery component) sub-Option B (calculation of discard rate) with sub-Option A in Table 5 (pp. 9) of the June 2, 2014 Groundfish PDT memo to the Groundfish Oversight Committee .

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

5. Mr. Blount moved on behalf of the committee:
to strike the following language in Section 4.1.2 (Limit the holdings of PSC) from Alternatives 2, 3, and 4: “the Council may select one or more of the multispecies stocks to which this alternative would apply.”

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

6. Mr. Blount moved on behalf of the committee:
to include in Amendment 18, a sub-Option for all alternatives in Section 4.1.2 (Limit the holdings of PSC) that individual human persons that have a PSC for a stock or stocks in excess of the identified cap would have the associated ACE annually distributed to the rest of the fleet in the manner described in Framework 45. The PSCs for all permits would remain unchanged.

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

7. Mr. Blount moved and Ms. Ramsden seconded:
to approve the range of alternatives in Amendment 18, with the exception of measures to address concentration of effort in the inshore Gulf of Maine.

- 7a. Mr. Terry Alexander moved to table and Ms. Tooley seconded:

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

8. Mr. Terry Alexander moved and Ms. Ramsden seconded:
that a person/holder/owner will not be forced to divest their holdings as of the control date with any of our accumulation caps.

- 8a. Mr. Dempsey moved to substitute and Mr. Terry Alexander seconded:
to include in Amendment 18 an option for each cap alternative that would grandfather holdings in excess of the cap as of the control date. Additionally to clarify that, in the event that someone is required to sell permits as a result of this action, adequate time will be provided to accommodate that transfer.

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

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

9. Mr. Grout moved and Mr. Terry alexander seconded:
to remove sub-Option A from section 4.3. Alternative 2 Option B

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

- 10 Ms. Tooley moved and Mr. Preble seconded:
to bring back the tabled motion

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

- 10a. Tabled motion:
to approve the range of alternatives in Amendment 18, with the exception of measures to address concentration of effort in the inshore Gulf of Maine.

- 10b. Ms. Tooley moved to substitute and Ms. Ramsden seconded:
to send Amendment 18 back to committee to consider impacts of potential sector contribution caps and divestures on underutilized species, future buybacks, and subsequently sales of permits and any other issues that may be raised in this section of the document. That the Groundfish Committee shall report back to the full Council on these issues no later than the September, 2014 Council meeting.

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

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

11. Mr. Dempsey moved Ms. Ramsden seconded:
to approve the range of alternatives in Amendment 18 relating to Handgear permits and US/CA trading issues for further analysis in the Draft EIS.

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

12. Mr. Blount moved and Mr. McKenzie seconded:
1. That the PDT develop a range of alternatives in establishing an inshore/offshore Gulf of Maine boundary line including Among those alternatives, 70 degrees west longitude line extended north and south, and 70 degrees 15 minutes west longitude line extended north and south.
 2. The following be included in a18, which would apply to the commercial and recreational groundfish fisheries:
 - A. An alternative to create an inshore Gulf of Maine sub-ACL which would divide the existing ACL into inshore and offshore sub-ACLs, based either on historical catch patterns or stock distribution (up to 20 years prior), and a sub-option which would prohibit vessels from fishing in both the inshore and offshore Gulf of Maine areas on a single trip without an observer or electronic monitoring technology which can correctly attribute catch to each area, and
 - B. An alternative that attempts to address concentrated inshore effort with the development of an expanded gear restricted area in inshore Gulf of Maine.

- 12a . Dr. Pierce moved to substitute and Mr. Blount seconded:
To remand the Gulf of Maine inshore/offshore Amendment18 measures back to the groundfish committee for further development and report back to the Council with alternatives by the September meeting.

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

- 12b. Mr. Grout moved to Amend and Ms. Ramsden seconded:
In establishing an inshore/offshore Gulf of Maine boundary line including Among those alternatives, 70 degrees west longitude line extended north and south, and 70 degrees 15 minutes west longitude line extended north and south.

The following be included in a18, which would apply to the commercial and recreational groundfish fisheries:

- A. An alternative to create an inshore Gulf of Maine sub-ACL which would divide the existing ACL into inshore and offshore sub-ACLs, based either on historical catch patterns or stock distribution (up to 20 years prior), and a sub-option which would prohibit vessels from fishing in both the inshore and offshore Gulf of Maine areas on a single trip without an observer or electronic monitoring technology which can correctly attribute catch to each area, and
- B. An alternative that attempts to address concentrated inshore effort with the development of an expanded gear restricted area in inshore Gulf of Maine.
- C. To provide a range of alternatives as to how long you would declare in and out of area (time periods).

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

- 12c. Dr. Pierce moved to amend and Mr. McKenzie seconded:
The following be included in Amendment 18, which would apply to the commercial

and recreational groundfish fisheries:

- A. An alternative to create an inshore Gulf of Maine sub-ACL which would divide the existing ACL into inshore and offshore sub-ACLs, based either on historical catch patterns or stock distribution (up to 20 years prior), and a sub-option which would prohibit vessels from fishing in both the inshore and offshore Gulf of Maine areas on a single trip without an observer or electronic monitoring technology which can correctly attribute catch to each area,
- B. An alternative that attempts to address concentrated inshore effort with the development of an expanded gear restricted area in inshore Gulf of Maine.
- C. To provide a range of alternatives as to how long you would declare in and out of area (time periods).
- D. An alternative to establish a seasonal closure of the inshore area as defined to reduce concentrations of effort on Gulf of Maine spawning cod.

The motion to amend failed on a show of hands (2/13/0).

12d. Main motion as Amended:

- 1. That the PDT develop a range of alternatives in establishing an inshore/offshore Gulf of Maine boundary line including Among those alternatives, 70 degrees west longitude line extended north and south, and 70 degrees 15 minutes west longitude line extended north and south.
- 2. The following be included in Amendment 18, which would apply to the commercial and recreational groundfish fisheries:
 - A. An alternative to create an inshore Gulf of Maine sub-ACL, which would divide the existing ACL into inshore and offshore sub-ACLs, based either on historical catch patterns or stock distribution (up to 20 years prior), and a sub-option which would prohibit vessels from fishing in both the inshore and offshore Gulf of Maine areas on a single trip without an observer or electronic monitoring technology which can correctly attribute catch to each area;
 - B. An alternative that attempts to address concentrated inshore effort with the development of an expanded gear restricted area in inshore Gulf of Maine; and
 - C. To provide a range of alternatives as to how long you would declare in and out of area (time periods).

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

13. Mr. Terry Alexander moved and Dr. Pierce seconded:

To add as an alternative to Amendment 18 to consider adding both stocks of windowpane flounder as an Ecosystem Component Species of the fisheries capable of catching windowpane flounder.

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

FRAMEWORK 53

14. Mr. Blount moved on behalf of the committee:

Move to consider an expanded (i.e., area, protection, efficacy) seasonal spawning closure to protect codfish in the inshore Gulf of Maine in Framework 53.

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

15. Mr. Blount moved on behalf of the committee:

to include in Framework 53 an alternative to address issues regarding the inappropriate manipulation of mobile gear to target smaller fish. This change would require all twine behind the tapered part of the net belly to be 6 ½” minimum. This would include the lengthener and the codend.

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

16. Mr. Blount moved and Ms. Ramsden seconded:
To initiate Framework Adjustment 53 and identify the issues to be included as those recommended by the Groundfish Committee at its June 9, 2014 meeting.

- 16a. Mr. Grout moved to amend and Mr. Terry Alexander:
To revise the list of priorities to move roll over provision ahead of carryover.

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

- 16b. Mr. Grout moved to further amend and Mr. Dempsey seconded:
To initiate a Framework Adjustment 53 and identify issues to be included as those recommended by the groundfish committee in order of priority at its June 9, 2014 meeting and that the PDT have the discretion to address the work in order of the priority list Amended at this meeting and discontinue work identified as a lower priority.

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

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

OTHER GROUND FISH BUSINESS

17. Mr. Blount moved on behalf of the committee:
Contingent on the final results of the SARC 59 stock assessment of Gulf of Maine haddock, the oversight committee recommends that the Council authorize the Council chair to request an emergency action to modify the Gulf of Maine haddock ACL for FY 2014, and to request an in-season adjustment to the recreational fishery accountability measures for Gulf of Maine haddock.

- 17a. Mr. Dempsey moved to Amend and Ms. Ramsden seconded:
To send a letter now urging NMFS to modify the Gulf of Maine haddock ACL for FY 2014 and to request an in-season adjustment to the recreational fishery accountability measures for Gulf of Maine haddock based on the final results of the assessment (SARC 59) that would result in a quota increase.

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

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

Wednesday, June 18, 2014

OMNIBUS VESSEL BASELINE AMENDMENT

1. Mr. John Bullard moved and Ms. Goethel seconded:
That the Council select alternative 4 as the preferred alternative and approve the draft for release to the public for review

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

SCALLOP COMMITTEE REPORT

INITIATE FRAMEWORK 26

2. Ms. Tooley moved on behalf of the committee: that Framework 26 should not address new gb scallop access areas. After the Council takes final action on the EFH Omnibus Amendment the Council should initiate a new scallop action to consider modifications to GB scallop access areas. This Framework would be standalone and not be tied to scallop specifications.

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

3. Ms. Tooley moved on behalf of the committee: that Framework 26 also consider alternatives to address that if the federal Northern Gulf of Maine hard TAC is caught and the fishery closes, vessels that have a federal Northern Gulf of Maine or incidental permit as well as a state scallop permit should be able to participate in state only fisheries.

For clarity, vessels with LAGC IFQ and LA permits would not be included. If the NGULF OF MAINE hard TAC is reached, they would not be able to fish within the NGULF OF MAINE after the TAC is reached (status quo).

- 3a. Dr. Pierce moved to Amend and Ms. Tooley seconded: to strike the words “incidental” and “participate in state only fisheries” and put in its place harvest scallops in state water portions in the Northern Gulf of Maine.
motion: Framework 26 also consider alternatives to address that if the federal Northern Gulf of Maine hard TAC is caught and the fishery closes, vessels that have a federal Northern Gulf of Maine or permit as well as a state scallop permit should be able to harvest scallops in state water portions of the Northern Gulf of Maine.

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

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

4. Ms. Tooley moved on behalf of the committee: that Framework 26 also include an alternative to make the turtle chain mat regulations consistent with the TDD boundary (71° w) and modify the season to be May through November.

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

5. Ms. Tooley moved on behalf of the committee: that Framework 26 also consider alternatives to modify the existing area closure AMs in place for GB and SNE/MA yellowtail flounder, as well as develop new AMs for potential sub-ACL under consideration in Groundfish Framework 53 for northern windowpane flounder . Alternatives would likely include reactive gear modification AMs (consistent with the AM approved for southern windowpane flounder in Framework 25) and proactive AMs to limit the number of rings in the apron.

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

6. Ms. Tooley moved on behalf of the committee: to request that an analysis of an inshore transit corridor option be included in Framework 26, with requirements that vessels in the corridor must stow their gear and vessels entering the corridor are

required to return to port and offload their catch. While declared out of the fishery in the transit corridor, transit time would not count against the DAS/VMS clock. At a minimum, the inshore transit corridor should extend from Cape Henry to Montauk, at an adequate distance from shore to facilitate safe navigation.

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

7. Ms. Tooley moved and Ms. Ramsden seconded:
to initiate Framework 26 to the Scallop FMP.

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

RSA

8. Ms. Tooley and Ms. Ramsden seconded:
that the Scallop Committee reviewed the Draft RSA policy, and without objection recommended the Council approve the policy and include the description of the process in the NEFMC operations handbook.

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

9. Ms. Tooley moved on behalf of the committee:
to approve the Scallop Advisory Panel recommendations for 2015 and 2016 scallop RSA priorities.

- 9a. Ms. Tooley moved to Amend and Mr. Kendall seconded:
to approve scallop RSA priorities recommended by the scallop committee but clarify that scallop survey related priorities be removed for the second year (FY2016). Instead scallop survey related priorities should be reviewed after the independent survey methods meeting and potentially modified before the next RSA announcement for FY2016 and FY2017.

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

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

IFQ REPORT

10. Ms. Tooley moved on behalf of the committee:
to recommend that GARFO address as a priority the issues identified in the IFQ report related to data challenges.

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

11. Ms. Tooley moved and Mr. Kendall seconded:
to request the Council to send a letter to GARFO expressing its concern about VMS compliance, the low level of off-load monitoring and IFQ overages in the GC IFQ scallop fishery.

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

REQUEST FOR EMERGENCY ACTION FOR THE ATLANTIC HERRING FISHERY

12. Mr. Terry Alexander moved and Mr. Kendall seconded:
that the Council requests an emergency action by NMFS to adjust the AM for the haddock sub-ACL for the herring fishery. The AM would only be implemented if the overall haddock ACL is exceeded and the haddock cap is exceeded or the herring haddock cap is exceeded by more than 50%. The Council will consider modifications to the administration of this cap in the next available groundfish action.

The motion *failed* on a show of hands (0/10/2/1 recusal - Ms. Tooley).

OTHER BUSINESS

13. Mr. Dempsey moved and Mr. Preble seconded:
to request the herring committee develop alternative in the next appropriate action that would consider revising the boundaries of the herring management areas to better facilitate adherence to herring sub-ACLs and alternatives to address the impacts of concentrated fishing on inshore areas along the backside of Cape Cod.

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

14. Mr. Terry Alexander moved on behalf of the committee:
In light of the potential for increased habitat closures, send a letter to NOAA requesting that they consider increasing the frequency of VMS polls when a vessel is within half a nautical mile of a closed area, with the understanding that the cost of these polls would not be passed on to the fishermen.

The motion *carried* on a show of hands (7/5/1).