

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Holiday Inn by the Bay, Portland, ME
December 1-3, 2015
MOTIONS

Tuesday, December 1, 2015

REPORTS ON RECENT ACTIVITIES

1. Dr. John Quinn moved and Mr. Grout seconded:
that the Operations Handbook practices on Advisory Panels (AP) will be changed to clarify that while AP chairs are expected to represent the AP at committee meetings, an advisory panel vice-chair can represent the AP at committee meetings on rare occasions, subject to the concurrence of the committee chair.

The Council agreed to update the handbook by consensus.

SPINY DOGFISH COMMITTEE REPORT

2. Dr. Pierce moved and Mr. Pappalardo seconded:
to adopt the 2016 - 2018 Spiny Dogfish specifications provided in the MAFMC November 24, 2015 memo from Jason Didden to the Councils.

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

Wednesday, December 2, 2015

SKATE COMMITTEE REPORT

FRAMEWORK 3

1. Ms. Etrie moved on behalf of the committee:
that the Council adopt the SSC approved the ABC of (31,081 mt) for 2016/2017 and the revised specifications for the Northeast skate complex based on the control rule established in Amendment 3 (ACT = 23,311 mt; Fed TAL = 12,872 mt; wing TAL = 8560 mt; bait TAL4,312 mt).

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

2. Ms. Etrie moved on behalf of the committee:
that the Council select Option 1 (No Action – 25,000 lbs) for bait possession limit alternatives as the preferred alternative. (Section 4.1.3)

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

3. Mr. Pappalardo moved and Mr. Terry Alexander seconded:
that the Council select Section 4.4.2 - this alternative would create seasonal TALs for the wing fishery consistent with the existing seasonal skate wing possession limits. The first season would be allocated a percentage of the annual wing TAL based on the three year moving average of the most

recent 3 fishing years (May through August) (representing 57% or 4,872 mt in 2016 and 2017) for May 1 to August 31. The seasonal skate wing possession limit for May 1 to Aug 31 would remain at 2,600 lbs. Once 85% of the allocated TAL is reached between May 1 and August 17, the incidental possession limit of 500 lbs would be implemented. Between August 18 and August 31, the Regional Administrator would use discretion as to whether or not the 500 lb incidental possession limit should be implemented. Any unused portion of the TAL would be rolled over into the latter part of the fishing year. The second season would be allocated the remainder of the annual TAL (representing 43% or 3,681 mt in 2016 and 2017) for September 1 to April 30. The seasonal skate wing possession limit for September 1 to April 30 would remain at 4,100 lbs. Once 85% of the allocated TAL is reached between September 1 and April 30, the regional administrator would have the discretion to implement the incidental possession limit if the fishery is projected to exceed the TAL.

- 3a. Mr. Gibson moved to substitute and Mr. Blount seconded:
that the Council select 4.4.3 with Option 3 as preferred.

The motion to substitute *failed* on a show of hands (3/10/3).

Main motion:

that the Council selects Section 4.4.2 this alternative would create seasonal TALs for the wing fishery consistent with the existing seasonal skate wing possession limits. The first season would be allocated a percentage of the annual wing TAL based on the three year moving average of the most recent 3 fishing years (May through August) (representing 57% or 4,872 mt in 2016 and 2017) for May 1 to August 31. The seasonal skate wing possession limit for May 1 to Aug 31 would remain at 2,600 lbs. Once 85% of the allocated TAL is reached between May 1 and August 17, the incidental possession limit of 500 lbs would be implemented. Between August 18 and August 31, the Regional Administrator would use discretion as to whether or not the 500 lb incidental possession limit should be implemented. Any unused portion of the TAL would be rolled over into the latter part of the fishing year. The second season would be allocated the remainder of the annual TAL (representing 43% or 3,681 mt in 2016 and 2017) for September 1 to April 30. The seasonal skate wing possession limit for September 1 to April 30 would remain at 4,100 lbs. Once 85% of the allocated TAL is reached between September 1 and April 30, the regional administrator would have the discretion to implement the incidental possession limit if the fishery is projected to exceed the TAL.

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

4. Ms. Etrie moved and Mr. Pappalardo seconded:
that the Council selects 4.2.1 Option 1 (No action) for the wing possession limits as the preferred alternative.

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

5. Ms. Etrie moved and Dr. John Quinn seconded:
to submit Framework 3 as amended and Specs for FY 2016-2017 to NMFS/GARFO.

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

GROUND FISH COMMITTEE REPORT

FY 2016 GOM RECREATIONAL FISHERIES MEASURES

6. Mr. Blount moved on behalf of the committee:
that the Council recommends to NMFS that the FY 2016 GOM haddock bag limit be 15 fish, with all seasons open (except in Wave 2 – March and April in which only April 15-30 would be open), and a 17 in minimize size.

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

7. Mr. Blount moved on behalf of the committee:
that the Council recommends to NMFS that the FY 2016 GOM cod bag limit be one cod, with a minimum size of 24 inches, and Wave 5 (September – October) open.

- 7a. Dr. Pierce moved to amend and Mr. Pappalardo seconded:
that the Council recommends to NMFS that the FY 2016 GOM cod bag limit be one cod, with a minimum size of 24 inches, and August - September open.

The motion to amend *carried* on a show of hands (12/3/2).

Main motion:

that the Council recommends to NMFS that the FY 2016 GOM cod bag limit be one cod, with a minimum size of 24 inches, and August - September open.

The main motion as amended *carried* on a show of hands (13/3/1).

FRAMEWORK ADJUSTMENT 55

8. Mr. Grout moved and Mr. Mark Alexander seconded:
to select Option 2 (Revised Status Determination Criteria) in Section 4.1.1. as preferred.

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

9. Mr. Blount moved and Ms. Goethel seconded:
that the Council selects as preferred the OFLs and ABCs for FY 2016 - 2018 as recommended by the SSC for all groundfish stocks, with the exception of witch flounder ABC, described in Table 10, Option 2 (revised ACLs)/Section 4.1 (Annual Catch Limits).

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

Recusal Statement: Ms. Tooley - I am recusing as I am employed by a company that holds an interest in a company that processes greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.

10. Mr. Blount moved on behalf of the Committee:
that the Council recommends a preliminary ABC for witch flounder of 394 mt (with associated ACL and sub-ACLs) described in Table 10, Option 2 (revised ACLs)/Section 4.1 (Annual Catch limits). The Council requests that the SSC reconsider the ABC taking into consideration the incidental, non-target catch of witch flounder under the current prevailing operating conditions of the fishery.

- 10a. Mr. Terry Alexander moved to substitute and Ms. Tooley seconded: that the Council recommends a preliminary ABC for witch flounder of 394 mt (with associated ACL and substitute-ACLs) described in Table 10, Option 2 (revised ACLs)/Section 4.1 (Annual Catch Limits). Request that the SSC develop an additional alternative for the 2016 ABC for witch flounder without being constrained by 75% Fmsy. The Council will accept the temporary risk level associated with an ABC up to the OFL for FY 2016. To expedite Framework 55 include a range for the witch flounder ABC of 394 to 513 mt in Section 4.1.1.4.

The motion to substitute *carried* on a show of hands (12/4/1).

The main motion as substituted *carried* on a show of hands (12/4/1).

11. Mr. Blount moved on behalf of the committee: that the Council selects Option 2 as preferred in each of these sections: Option 2 (implement a new sector for FY 2016) in Section 4.2.1 (Implementation of an Additional Sector); Option 2 (revised definition of the haddock separator trawl) in Section 4.2.3 (Modification to the Definition of a Haddock Separator Trawl); and Option 2 (Distribution of U.S. TACs for eastern/western Georges Bank Cod) in Section 4.3.2 (management measures for US/CA TACs).

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

12. Mr. Blount moved on behalf of the committee: that the Council selects as preferred Option 2 (modify GOM recreational possession limits) in Section 4.3.3 (modification to the GOM cod protection measures).

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

13. Mr. Blount moved on behalf of the Committee: that in Section 4.1.2 (Annual Catch Limits) under 4.1.2.2 (Option 2: revised annual catch limit specifications – scallop fishery sub-ACL for SNE/MA yellowtail flounder), the Council recommends that the SNE/MA yellowtail flounder sub-ACL for the scallop fishery be set at 90% of the scallop fishery’s estimated catch (as estimated by the scallop PDT).

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

Recusal Statement: *Ms. Tooley - I am recusing as I am employed by a company that holds an interest in a company that processes greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.*

14. Mr. Blount moved on behalf of the Committee: that the Council requests that the agency for the “total observer coverage rate” starting in FY 2016 utilize a 3 year and 5 year multi-year approach as indicated in appendix IV of the PDT memo dated November 16, 2015. The stock that has the highest realized CV as averaged across the last 3 or 5 fishing years (in which a completed data set is available and the realized CV has been calculated in accordance with the protocols currently used by the agency - calculating realized CV at the stock basis) will serve as the basis for the upcoming fishing year total observer coverage rate.

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

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

that the Council recommends that Framework 55 clarify that the primary goal of ASM is to verify area fished, catch, and discards by species, by gear type and in such a manner that would reduce the cost of monitoring. Other goals/objectives identified under Framework 48, such as additional data for stock assessment purposes, are secondary benefits achieved through catch verification.

The motion **carried** on a show of hands (14/2/1).

16. Ms. Etrie moved and Mr. Terry Alexander seconded:
to select in Section 4.3.1 Option 2, Option 3a, Option 3b and Option 5 as the Councils preferred alternative. As it relates to Option 3b and Option 5 a tiered system would be utilized where 1st the agency would calculate the total observer coverage rate using a 3 year (fishing year) moving average as seen in table 4 page 10 of the draft Framework Adjustment 55 (FW 55) environmental impacts analysis, “version 3” dated 12/1/15. Once the 3 year moving average has been calculated the agency will apply the prioritization approach laid out in Option 5.

The motion **carried** on a show of hands (12/4/1).

17. Mr. Blount moved and Mr. Pappalardo seconded:
select as preferred Section 4.3.1.4.1 sub-Option 4a: remove ASM coverage requirements for sector trips fishing extra-large mesh (ELM) gill net gear except BSA 1 (GOM) and 4.3.1.4.2 sub-Option 4b: remove ASM coverage requirements for sector gillnet trips fishing exclusively within the footprint of existing dogfish exempted fisheries.

- 17a. Mr. Pappalardo moved to split the motion and Mr. John Bullard seconded:

The motion was split without objection.

First part of split motion:

select as preferred Section 4.3.1.4.1 sub-Option 4a: remove ASM coverage requirements for sector trips fishing extra-large mesh (ELM) gill net.

- 17b. Dr. Pierce moved to amend and Mr. Pappalardo seconded:
to include the language “except Broad Stock Area (BSA) 1 (GOM) and BSA 3 (offshore GB)”.

The motion to amend **carried** on a show of hands (14/2/1).

First part of split motion as amended:

that the Council select as preferred Section 4.3.1.4.1 sub-Option 4a: remove ASM coverage requirements for sector trips fishing extra-large mesh (ELM) gill net gear except in BSA 1 (GOM) and BSA 3 (offshore GB).

The main motion as amended **carried** on a show of hands (12/5/0).

Second part of split motion:

4.3.1.4.2 sub-Option 4b: remove ASM coverage requirements for sector gillnet trips fishing exclusively within the footprint of existing dogfish exempted fisheries.

- 17c. Dr. Pierce moved to substitute and Mr. Terry Alexander:
ASM coverage requirements for sector gillnet trips fishing exclusively within the footprint of existing dogfish exempted fisheries would be handled by NOAA fisheries in sector operations plans.

The motion to substitute *carried* on a show of hands (13/1/3).

The main motion as substituted *carried* on a show of hands (14/0/3).

18. Mr. John Bullard moved and Mr. Terry Alexander seconded:
to select as a preferred alternative to modify Option 2, in Section 4.2.2, sector approval process but to specify that NMFS would only approve the new sector upon the Council's endorsement.

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

19. Mr. Blount moved and Mr. Kendall seconded:
to submit Framework Adjustment 55, as amended today, to NMFS.

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

Recusal Statement: *Ms. Tooley - I am recusing as I am employed by a company that holds an interest in a company that processes greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.*

20. Mr. Blount moved on behalf of the Committee:
That the Council expresses continued and growing concerns (i.e., volatility in highs and lows, lack of stability) in the latest round of groundfish stock assessments.
- 1) The Council recommends that the current assessment process be modified to enhance the AP's role in the assessment process.
 - 2) The Council strongly emphasizes the need for improved assessments rather than more assessments, which is being followed under the operational assessment ("turning of the crank") process.

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

Thursday, December 3, 2015

NEFMC 2016 MANAGEMENT PRIORITIES

1. Dr. John Quinn moved and Mr. Kendall seconded:
to adopt the 2016 Council priorities as recommended by the Executive Committee.

GROUND FISH

2. Mr. Blount moved on behalf of the committee:
that for 2016 the Council to add to the list of priorities a review of the biological implications and catch accounting methodologies of the Georges Bank haddock catch cap in the herring fishery, with the goals being the realization of optimum yield in the Atlantic herring and Atlantic mackerel fisheries, minimizing the mortality of Georges Bank haddock to the extent practicable, and establishing vessel-specific catch cap accountability.
- 2a. Mr. Grout moved and Mr. Terry Alexander seconded:

to table the previous motion until the herring priorities discussion.

The motion to table was accepted without objection

3. Mr. Grout moved and Dr. Sissenwine seconded:
include in the long-term multi-year priorities, develop Limited Access for the Recreational Party/Charter industry.

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

HERRING

The tabled motion was reconsidered without objection.

Tabled motion:

that for 2016 the Council to add to the list of priorities a review of the biological implications and catch accounting methodologies of the Georges Bank haddock catch cap in the herring fishery, with the goals being the realization of optimum yield in the Atlantic herring and Atlantic mackerel fisheries, minimizing the mortality of Georges Bank haddock to the extent practicable, and establishing vessel-specific catch cap accountability.

- 3a. Ms. Tooley moved and to substitute and Mr. Terry Alexander seconded:
that for 2016 the Council add to the list of herring priorities a review of the accountability measures in the Georges Bank haddock catch cap in the herring fishery.

- 3b. Dr. Pierce moved to amend and no seconded:
that the Council to add to the list of herring priorities a multi-year review of the accountability measures in the Georges Bank haddock catch cap in the herring fishery.

The motion to amend *failed* due to lack of a second.

- 3c. Ms. Tooley perfected the substitute motion:
that for 2016 the Council add to the list of herring priorities to initiate an action to amend the accountability measures in the Georges Bank haddock catch cap in the herring fishery.

The perfected motion to substitute *carried* on a show of hands (10/5/2).

The main motion as substituted *carried* (10/5/2).

SKATES

4. Mr. Pappalardo moved and Mr. Gibson seconded:
that the Council prepare an amendment to consider limited access in the skate fishery.

The Council agreed by consensus to add this item to the priorities list.

OBSERVER COMMITTEE

5. Dr. Sissenwine moved and Mr. Pappalardo seconded:
to include a multi-year priority to develop a policy and strategy for monitoring commercial fisheries.

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

6. Dr. John Quinn move and that the Council adopt 2016 Council priorities as amended.

The Council agreed by consensus to move forward with the priorities.

SCALLOP COMMITTEE REPORT

AMENDMENT 19

7. Ms. Tooley moved on behalf of the committee:
that the Council selects Alternative 2.2, implement a specification setting process in the Scallop FMP, as part of the final preferred alternative for Amendment 19 and that the Council selects Alternative 2.3, change the start of the fishing year to April 1, as part of the final preferred alternative for Amendment 19.

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

Recusal Statement: *Ms. Tooley - I am recusing as I am employed by a company that holds an interest in a company that processes greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.*

8. Ms. Tooley moved and Mr. Terry Alexander that the Council submit Amendment 19.

By consensus the Council agreed to submit Amendment 19.

FRAMEWORK 27

9. Ms. Tooley moved on behalf of the committee:
that the Council selects Alternative 2.1.2, updated OFL and ABC, as preferred in Framework 27.

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

Recusal Statement: *Ms. Tooley - I am recusing as I am employed by a company that holds an interest in a company that processes greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.*

10. Ms. Tooley moved and Ms. Goethel seconded:
that the Council selects modified Alternative 3, Section 2.2.1.3. P. 18-20, in draft Framework 27, which includes all bullets except the only access areas open to the limited access fishery are those found in the Mid-Atlantic with the following vessel allocations: full-time limited access 51,000 lbs., part-time 20,400 lbs. and 4,080 lbs. for occasional vessels. All other access areas (CAI, CAII, and NL) will be closed under this alternative; and includes an additional closure south of CAII to further protect small scallops.

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

Recusal Statement: *Ms. Tooley - I am recusing as I am employed by a company that holds an interest in a company that processes greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.*

11. Ms. Tooley moved on behalf of the committee:
that the council selects access area allocation Option 2 in Section 2.2.3.1 as preferred in Framework 27. This option sets the LAGC IFQ access area trip allocation based on the overall proportion of total projected catch from access areas compared to total projected catch.

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

Recusal Statement: *Ms. Tooley - I am recusing as I am employed by a company that holds an interest in a company that processes greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.*

12. Mr. Pappalardo moved and Mr. Gibson seconded:
that the Council select Alternative 7 as preferred from the December 2nd PDT memo.

- 12a. Motion modified by its maker:
move that the Council select Option 3 Section 2.2.3.2 (81% MAAA/19% NL) as preferred.

The motion **carried** on a show of hands (11/5/0/1) with one recusal.

Recusal Statement: *Ms. Tooley - I am recusing as I am employed by a company that holds an interest in a company that processes greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.*

13. Ms. Tooley moved on behalf of the committee:
that the Council selects Alternative 3 in Section 2.2.4 as preferred in Framework 27. RSA compensation fishing would be allowed in any area open to the scallop fishery, but prohibited in the Nantucket Lightship Area whether that access area is open to the fishery or not.

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

Recusal Statement: *Ms. Tooley - I am recusing as I am employed by a company that holds an interest in a company that processes greater than 10% of the fishery which constitutes a possible conflict of interest under the guidelines.*

14. Ms. Tooley moved and Ms. Goethel seconded:
that the Council approve Framework 27 for submission.

By consensus, the Council agreed to submit the framework.

OTHER BUSINESS

15. Ms. Etrie moved and Ms. Goethel seconded:
to clarify that during the 2nd tier of the groundfish total observer coverage rate calculation applied by the agency should utilize the 75/10 threshold as laid out in the PDT memo dated November 16, 2015.

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