

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
December 3-5, 2019
Hotel Viking, Newport, RI

FINAL MOTIONS

Tuesday, December 3, 2019

REPORTS ON RECENT ACTIVITIES

ATLANTIC STATES MARINE FISHERIES COMMISSION

1. Mr. Reid moved and Mr. Pappalardo seconded:
that the Council approves the draft letter concurring with ASMFC's determination that the Commonwealth of Virginia is out of compliance with the Atlantic Menhaden ISFMP.

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

DRAFT NATIONAL STANDARD 1

2. Mr. Reid moved and Mr. Bellavance seconded:
that the Council approves the draft comment letter on the NS1 Technical Guidance on Carry-Over and Phase-In Provisions.

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

EBFM MSE STEERING COMMITTEE REPORT

3. Dr. McKenzie moved and Mr. Olszewski seconded:
that the Council approve the recommendations of the MSE Steering Committee and direct the EBFM Committee, the EBFM PDT, and Council staff to use the Committee recommendations for developing publicly digestible materials and a plan for public information workshops focusing on EBFM for the Georges Bank ecosystem.

The motion *carried* on a show of hands (13/2/0).

MODERNIZING REC FISHERIES MGMT. ACT OF 2018

4. Mr. Reid moved and Mr. Bellavance seconded:
that the Council approves the draft comment letter on the report required by Section 201 of the Modernizing Recreational Fisheries Management Act of 2018 as modified by the Council discussion.

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

December 4, 2019

GROUND FISH COMMITTEE REPORT

Framework Adjustment 59/Specifications

1. Mr. Stockwell moved on behalf of the Committee:
that in Section 4.1 Action 1 – Specifications, the Council selects as its preferred alternative in Section 4.1.2 Alternative 2 – Revised Specifications, with the exception of Gulf of Maine cod, Gulf of Maine haddock, Georges Bank haddock, American plaice, and pollock.

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

2. Ms. Etrie moved and Mr. Alexander seconded:
that the Council remand back to the Scientific and Statistical Committee the ABC recommendations for American plaice, both haddock stocks (GOM and GB), and pollock and that the Council accept the SSC's OFL and ABC final recommendations once made and without objection for FY2020-FY2022.

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

3. Ms. Etrie moved and Mr. Alexander seconded:
that the Council remand back to the Scientific and Statistical Committee the ABC recommendations for GOM Cod and that the Council accept the SSC's OFL and ABC final recommendations once made and without objection for FY2020-FY2022.

The motion *failed* on a show of hands (5/11/1).

4. Mr. Stockwell moved and Mr. Alexander seconded:
that the Council approve Alternative 2– Revised Specifications for GOM Cod for FY2020-FY2022.

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

5. Mr. Stockwell moved on behalf of the Committee:
that in Section 4.1 Action 1 – Specifications, the Council selects as its preferred alternative in Section 4.1.2.1 - Recreational Fishery Georges Bank Cod Catch Target Option A2: Recreational fishery GB cod catch target at 138 mt.

- 5a. Mr. Bellavance Moved to amend and Mr. Godfroy seconded:
that the Council set the Recreational Fishery Georges Bank Cod Catch Target at 276 mt.

- 5b. Ms. Etrie moved to substitute the motion to amend and Mr. Alexander seconded:

to establish the Recreational Fishery Georges Bank Cod Catch Target at 152 mt and to select the Alternative 1/No Action under 4.2 Recreational Fisheries Measures for GB Cod.

The motion to substitute *failed* on a show of hands (6/7/4).

The motion to amend *failed* on a show of hands (4/10/3).

The main motion:

that in Section 4.1 Action 1 – Specifications, the Council selects as its preferred alternative in Section 4.1.2.1 - Recreational Fishery Georges Bank Cod Catch Target Option A2: Recreational fishery GB cod catch target at 138 mt.

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

6. Mr. Stockwell moved and Mr. Godfroy seconded:
The Council recommends under 4.1.2.1 Option A – Recreational Fishery Georges Bank Cod Catch Target to move Option A3: Recreational fishery GB cod catch target – 288 mt for FY2020-FY2022 to be considered but rejected [move to Section 4.3 Considered but Rejected Alternatives].

The Council agreed by consensus.

7. Mr. Stockwell moved on behalf of the Committee:
that in Section 4.1 Action 1 – Specifications, the Council selects as its preferred alternative in Section 4.1.2.2 Option B – Allocation between Commercial and Recreational Fisheries for Gulf of Maine Cod and Gulf of Maine Haddock Option B2: Revise the allocation between commercial and recreational fisheries for GOM cod and GOM haddock.

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

8. Mr. Stockwell moved on behalf of the Committee:
that in Section 4.1 Action 1 – Specifications, the Council selects as its preferred alternative in Section 4.1.2.3 Option C – Closed Area I Hook Gear Haddock (HGH) Special Access Program (SAP) Option C2: Revise the GB cod Incidental Catch TAC to remove the allocation for the CAI HGH SAP.

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

9. Mr. Stockwell moved on behalf of the Committee:
that the Council selects as its preferred alternative that the Georges Bank haddock sub-ACL for the Atlantic herring midwater trawl fishery be raised to 2% (from 1.5%) for the sub-ABC of the US ABC. [In Section 4.1.2.4 Option D– Midwater Trawl Atlantic Herring Fishery sub-ACL for Georges Bank Haddock, Option D2: Increase the MWT Atlantic herring fishery sub-ACL for Georges Bank haddock to 2 percent].

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

10. Mr. Stockwell moved on behalf of the Committee:
that in Section 4.1 Action 1 – Specifications, the Council selects as its preferred alternative in Section 4.1.2.5 Option E – Atlantic Sea Scallop Fishery sub-ACL for Southern New England/Mid-Atlantic Yellowtail Flounder Option E2:
Set the Atlantic Sea Scallop Fishery Sub-ACL for SNE/MA yellowtail flounder using 90% of projected scallop fishery catch and maintain at 2mt for FY2020-FY2022.

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

11. Mr. Stockwell moved on behalf of the Committee:
that the Council selects as its preferred alternative to extend the temporary NMFS authority to adjust management measures for FY2020 and FY2021.
[In Section 4.2 - Action 2 – Recreational Fishery Measures for Georges Bank Cod, 4.2.2 Alternative 2 – Temporary Administrative Measure to Allow the Regional Administrator Authority to Adjust the Recreational Measures for Georges Bank Cod]

- 11a. Mr. Bellavance moved to substitute and Mr. Alexander seconded:
that the Council selects as its preferred alternative in Section 4.2 - Action 2 – Recreational Fishery Measures for Georges Bank Cod, 4.2.1 Alternative 1 – No Action.

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

The main motion as substituted:
that the Council selects as its preferred alternative in Section 4.2 - Action 2 – Recreational Fishery Measures for Georges Bank Cod, 4.2.1 Alternative 1 – No Action.

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

12. Mr. Stockwell moved and Mr. Kendall seconded:
to submit Framework 59 to GARFO as modified today.

- 12a. Ms. Etrie moved to amend Mr. Alexander seconded:
to submit Framework 59 for submission to GARFO as modified today and to correct the Georges Bank Cod ABC to 1752 mt for FY2020-FY2022.

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

The main motion as amended:
To submit Framework 59 for submission to GARFO as modified today and to correct the Georges Bank Cod ABC to 1752 mt FY2020-FY2022.

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

Amendment 23/Groundfish Monitoring

13. Mr. Stockwell moved on behalf of the Committee:
that the Council recommends adding an alternative in Amendment 23 for vessel specific coverage levels, as drafted by Council staff (Doc 4d, pp. 2 provided today).
Council Staff Draft: Under this option the target ASM coverage level would be vessel specific, and each vessel within a sector would have the same target coverage for ASM. ASM coverage would be decoupled from NEFOP coverage. Under this alternative, the target monitoring coverage rate selected in Section 4.1.1 would be for ASM coverage only. NEFOP coverage would still take place on trips separate from, and in addition to, ASM, and NEFOP coverage would not count toward the coverage targets under this option. Currently, all other monitoring standard alternatives under consideration in Section 4.1.1 of A23 have ASM and NEFOP coverage combined to achieve a total coverage rate.

13a. Mr. Stockwell moved and Mr. Alexander seconded:
to postpone this motion until the 2020 Council priorities discussion.

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

14. Mr. Stockwell moved on behalf of the Committee:
that the Council include in Amendment 23, an EM review rate of 15% of trips or 15% hauls/sets as a base rate.

14a. Mr. Stockwell moved to amend and Mr. Alexander seconded:
to clarify electronic monitoring (EM) alternatives in Amendment 23 to include more specific language about a process that will be used for setting and evaluating EM video review rates. NMFS would develop standards during implementation and the final video review rate would be selected by NMFS. The Council recommends that the EM video review rate for the audit model EM option should initially be similar to guidance provided from GARFO in its proposed EM option for sectors, e.g. 50% of trips (or hauls) as a rate for Year 1, 30% of trips (or hauls) for Year 2 or 50% for vessels not meeting reporting requirements, and 15% of trips (or hauls) in Year 3, with the potential for 100% review rates for vessels not meeting reporting requirements. After implementation, EM video review rates would be evaluated and possibly modified on a regular basis to ensure accurate reporting and that costs are minimized to the extent practicable.

The motion to amend *carried* on a show of hands (9/4/2).

The main motion as amended:
to clarify electronic monitoring (EM) alternatives in Amendment 23 to include more specific language about a process that will be used for setting and evaluating EM video review rates. NMFS would develop standards during implementation and the final video review rate would be selected by NMFS. The Council recommends that the EM video

review rate for the audit model EM option should initially be similar to guidance provided from GARFO in its proposed EM option for sectors, e.g. 50% of trips (or hauls) as a rate for Year 1, 30% of trips (or hauls) for Year 2 or 50% for vessels not meeting reporting requirements, and 15% of trips (or hauls) in Year 3, with the potential for 100% review rates for vessels not meeting reporting requirements. After implementation, EM video review rates would be evaluated and possibly modified on a regular basis to ensure accurate reporting and that costs are minimized to the extent practicable.

The main motion as amended *carried* on a show of hands (12/1/2).

December 5, 2019

COUNCIL 2020 PRIORITIES

1. Mr. Reid moved and Mr. Balzano seconded:
that the Council approves the annual priorities process description and directs that it be added to the Operations Handbook.

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

Groundfish priorities

- 2a. Mr. Stockwell moved to amend and Mr. Alexander seconded:
for inclusion as a priority for 2020, the Groundfish Committee (in the next available regulatory action) consider the way the Gulf of Maine cod and haddock sub-ACLs be calculated. That is, the recreational sub-ACL could be calculated in the same way the groundfish sub-ACL, after the state waters and other sub-component catch is deducted.

The motion was withdrawn by its maker.

- 2b. Mr. Bellavance moved to amend and Mr. Godfroy seconded:
to develop a simple strawman to consider a limited entry program in the Party/Charter fleet.

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

Scallop priorities

- 2c. Dr. Sissenwine moved to amend and Mr. Reid seconded:
to amend the priorities concerning the Sea Scallop FMP by adding Develop limited access vessel DAS and access area trip leasing pilot project suggested by East Coast Scallop Harvester's Association" and reduce support for support annual scallop RSA process, including priority setting, and technical and management reviews.

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

Herring priorities

- 2d. Mr. Kendall moved to amend and Dr. McKenzie seconded:
to provide support for a joint discussion document with MAFMC on River herring/Shad and catch caps.

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

The main motion as amended:

that the Council approves the 2020 priorities as recommended by the Executive Committee with the additional items added today.

Additional Groundfish priority: To develop a simple strawman to consider a limited entry program in the Recreational/Charter fleet.

Additional Herring Priority: provide support for a joint discussion document with MAFMC on River herring/Shad and catch caps.

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

Motion postponed from yesterday's Groundfish discussion

3. That the Council recommends adding an alternative in Amendment 23 for vessel specific coverage levels, as drafted by Council staff (Doc 4d, pp. 2 provided today).
Council Staff Draft: Under this option the target ASM coverage level would be vessel specific, and each vessel within a sector would have the same target coverage for ASM. ASM coverage would be decoupled from NEFOP coverage. Under this alternative, the target monitoring coverage rate selected in Section 4.1.1 would be for ASM coverage only. NEFOP coverage would still take place on trips separate from, and in addition to, ASM, and NEFOP coverage would not count toward the coverage targets under this option. Currently, all other monitoring standard alternatives under consideration in Section 4.1.1 of A23 have ASM and NEFOP coverage combined to achieve a total coverage rate.

- 3a. Mr. Stockwell moved to substitute and Mr. Alexander seconded:
that vessel specific coverage levels be added as a frameworkable alternative in Amendment 23.

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

The main motion as substituted:

that vessel specific coverage levels be added as a frameworkable alternative in Amendment 23.

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

SCALLOP COMMITTEE REPORT

Preferred Alternatives in Scallop Framework 32

OFL & ABC

4. Mr. Balzano moved on behalf of the Committee:
that the Council adopt in Section 4.1, Alternative 4.1.2, Updated OFL and ABC for FY 2020 and FY 2021, as the preferred alternative.

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

Northern Gulf Of Maine

5. Mr. Balzano moved on Behalf of the Committee:
that the Council adopt in Section 4.2.1, Alternative 2, Partial Closure of Stellwagen Bank to directed scallop fishing, within the Northern Gulf of Maine Management Area (2 year closure). This closure would be aimed at protecting the year class of small scallops observed in the 2019 survey and should be re-assessed after one year to confirm that the closure is in fact protecting small scallops and improving yield-per-recruit.

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

6. Mr. Balzano moved on behalf of the Committee:
that the Council adopt in Section 4.2.2, Alternative 2 sub-Option 2, Set 2020 and 2021 NGOM TAC at F=0.20, with first 70,000 lbs to LAGC, then 50/50 split between LA and LAGC.
2020 Overall TAC: 350,000
2021 Overall TAC: 265,000

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

Measures to mitigate scallop fishery impacts

7. Mr. Balzano moved on behalf of the Committee:
that the Council adopt in Section 4.5.1, Alternative 2 (4.5.1.2), as the preferred alternative. This alternative would allow RSA compensation fishing in open bottom, the Mid-Atlantic Access Area, with limited RSA compensation fishing in the NGOM Management Area.

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

8. Mr. Balzano moved on behalf of the Committee:

that the Council adopt in Section 4.5.2, Alternative 2 (4.5.2.2), Extend Seasonal Closure of Closed Area II Scallop Rotational Area through November 30th in FY 2020. The closure would run from August 15, 2020 to November 30, 2020.

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

Specifications

9. Mr. Balzano moved on behalf of the Committee: that the Council adopt in Section 4.3.1, Alternative 3 Sub-Option 2 (4.3.1.3.2) as preferred. This alternative would allocate:
- 24 FT LA DAS (Open area F=0.33) with CAII-ext closed to scallop fishing and NLS-Hatchet and NLS-West as open bottom. The NLS-West would switch to open bottom on June 1, 2020.
 - 6 access area trips to full time LA vessels with the following allocations:
 - o One CAII trip at 18,000 pounds
 - o One CAI-FLEX trip at 9,000 pounds
 - o One NLS-North trip at 9,000 pounds
 - o One NLS-S-Deep trip at 18,000 pounds
 - o Two MAAA trips at 18,000 pounds
 - 2021 Default measures include: One trip to the MAAA at 18,000 pounds.
 - NLS-West payback: If FW32 implementation is delayed, if a vessel fishes any of its default trip in the NLS-West they would lose their Closed Area II AA trip.

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

10. Mr. Balzano moved on behalf of the Committee: that the Council adopt in Section 4.3.2, Alternative 2 (4.3.2.2), Allow pound-for-pound exchanges of access area allocation in 9,000 pound increments for full-time Limited Access vessels, as the preferred alternative.

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

11. Mr. Balzano moved on behalf of the Committee: that the Council adopt in Section 4.4, Alternative 2 (4.4.2), Distribute Closed Area II Access Area Allocation to CAI and NLS-N Access Areas.

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

12. Mr. Balzano moved and Mr. Godfroy seconded: that the Council submit Scallop Framework Adjustment 32 to the National Marine Fisheries Service.

The motion *carried* on a show of hands (13/0/1).

Amendment 21

Control Date Motions

13. Mr. Balzano moved on behalf of the Committee:
that the Council establish a control date that could determine eligibility criteria for switching between LAGC permit categories and access to the Northern Gulf of Maine fishery.

- 13a. Mr. Stockwell moved to amend and Ms. Ware seconded:
that the Council not establish a control date that could determine eligibility criteria for switching between LAGC permit categories and access to the Northern Gulf of Maine fishery.

The motion to amend was ruled out of order.

The main motion:
that the Council establish a control date that could determine eligibility criteria for switching between LAGC permit categories and access to the Northern Gulf of Maine fishery.

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

WHITING COMMITTEE REPORT

14. Mr. Bellavance moved and Mr. Olszewski seconded:
that the Council approve approaches 1, 2 and 3 as described in the Whiting PDT memo and task the Small-mesh Multispecies Committee and Whiting PDT to develop the approaches as an action for Council approval no later than June 2020.

The motion *carried* on a show of hands (13/1/0).

OTHER BUSINESS

15. Ms. Etrie moved and Mr. Alexander seconded:
to request the SSC review their minority report for GB Cod, specifically references to industry comments and if necessary make updates to reflect the discussion/comments were made for GOM Cod.

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