

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Cape Codder Resort, Hyannis, MA
September 24-26, 2013
MOTIONS

Tuesday, September 24, 2013

ELECTION OF OFFICERS

Chairman – Mr. Stockwell

Vice Chairman – Mr. Quinn

Executive Committee – Dr. Pierce, Mr. Kendall, Mr. Grout

JT HABITAT/GF CTE REPORT

1. Mr. Preble moved on behalf of the committee:
to shift the Jeffrey’s bank areas into the central Gulf of Maine (GOM) sub-region by making the following adjustments to the alternatives:
 - a. remove status quo Jeffreys Bank area from eastern GOM Alternative 1 (no action) and Eastern GOM Alternative 4
 - b. remove modified Jeffreys Bank area from Eastern GOM Alternative 3
 - c. add status quo Jeffreys Bank area to central GOM Alternative 1 (no action)
 - d. add modified Jeffreys Bank area to central GOM Alternatives 3 and 4

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

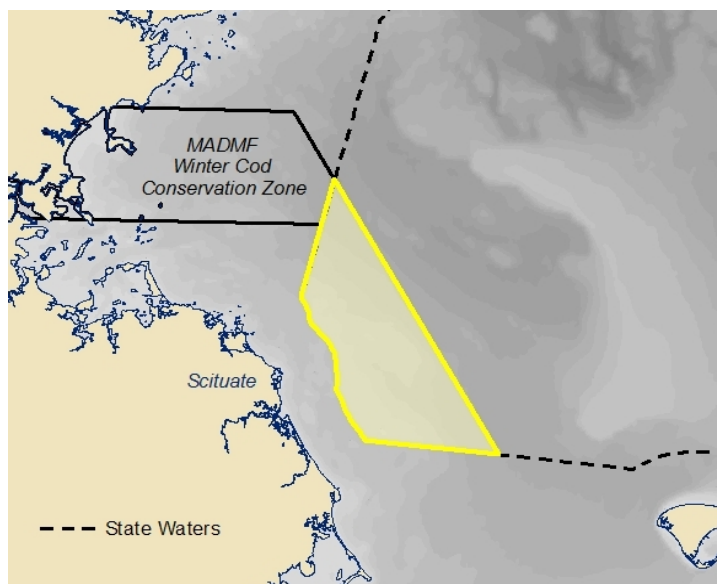
2. Mr. Preble moved on behalf of the committee:
to include an additional alternative for the WGOM region that is comprised of the Stellwagen large habitat management area only.

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

3. Mr. Preble moved on behalf of the committee:
to include as part of the Alternative 2 spawning protection areas a refinement of the current rolling closure Blocks 124 and 125, an area bounded to the north, south and west by the MA state waters line and to the east by a straight line connecting the following points in order:

Point	North latitude	West longitude
1	42 degrees 23.6’	70 degrees 39.2’
2	42 degrees 07.7’	70 degrees 26.8’

[The closed area would apply from November 1 to January 31 with the same gear prohibitions and exemptions as the existing whaleback cod spawning closure area.]



Proposed spawning protection area outlined in yellow.

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

4. Mr. Preble moved on behalf of the committee:
to remove the May Georges Bank seasonal closure area from Georges bank spawning Alternative 2.

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

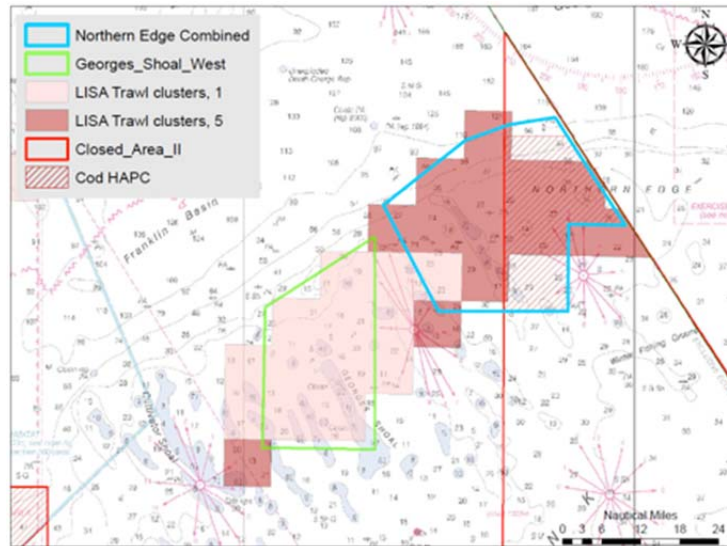
5. Mr. Preble moved on behalf of the committee:
to remove sub-option 2 from 9.3.3 (SERA DHRA section) to correct the record and better reflect the June 2013 document approved by the Council.

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

6. Mr. Preble moved on behalf of the committee:
that the Committee direct Council staff to refine the boundaries of the habitat management area identified in the August 30, 2013 correspondence from NERO. Modifications to the area should attempt to provide additional access to the sea scallop resource while protecting habitats vulnerable to fishing gear that are used by juvenile groundfish, including cod and haddock.

- 6a. Dr. Pierce moved to substitute and Mr. Bullard seconded:
to include for analyses the NERO proposal on the habitat management area on the northern edge of Georges Bank.

- 6b. Mr. McKenzie moved to amend the substitute and Mr. Preble seconded:
to include for analyses the NERO proposal on the habitat management area on the northern edge of Georges Bank. Also, to include as an alternative for closed area habitat protections on Georges Bank, the northern edge combined area (presented to the committee in habitat PDT/CATT memo dated 1 June 2013, page 24), and Georges shoal west area (added by the Habitat Committee, August 30, 2011).



Yes – M. Alexander, Blount, Bullard, Dempsey, Gibson, McKenzie, Preble

No – T. Alexander, Balzano, Goethel, Patterson, Kendall, Pierce, Quinn, Ramsden, Sissenwine, Tooley
Abstention(s) -

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

- 6c. The motion to substitute was voted:
to include for analyses the NERO proposal on the habitat management area on the northern edge of Georges Bank.

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

The substitute motion **failed** on a show of hands (8/9/0).

7. Mr. Kendall moved and Ms. Tooley seconded:
to eliminate the Bigelow Bight, both large and small areas, from all the western GOM habitat areas to be analyzed.

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

ENFORCEMENT

8. Mr. Blount and Mr. T. Alexander seconded:
that the Council ask the Regional Administrator to approve the orange snow fence and the orange cargo net.

- 8a. Ms. Goethel moved to amend and Mr. Blount seconded:
that the Council ask the Regional Administrator to approve the orange snow fence and the orange cargo net and allow the trawl doors to remain connected to the towing wires.

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

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

RED CRAB

9. Mr. T. Alexander moved and Mr. Balzano seconded:
that the Council accept the SSC recommendation for a red crab ABC of 1,775mt (expressed in landings of male red crab in the directed fishery) for fishing years 2014-2016 for inclusion in the red crab specifications to be submitted to NMFS for review and approval.

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

SSC

10. Ms. Ramsden moved and Ms. Tooley seconded:
to have the SSC reconvene regarding the recommendations for scallop harvest with particular focus on the calculation of discards for the fishery for the FY 2014-2015.

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

TMGC

11. Mr. Stockwell moved on behalf of the committee:
that the TAC for Eastern Georges Bank cod for the 2014 FY be 700mt.

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

12. Mr. Stockwell moved on behalf of the committee:
that the TAC for Eastern Georges Bank haddock for the 2014 FY be 27,000mt.

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

13. Mr. Stockwell moved on behalf of the committee:
that the TAC for Georges Bank yellowtail flounder for the 2014 FY be 400mt.

- 13a. Dr. Pierce moved and Ms. Ramsden seconded:
to postpone consideration of the previous motion until the groundfish discussion tomorrow.

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

Wednesday, September 25, 2013

GROUND FISH - Framework 51 motions

1. Mr. Dempsey moved on behalf of the committee:
to add a sub-option C with the following text “if during the first 8 years F-rebuild is less than 75% Fmsy, 75% Fmsy will still apply if the stock ACL based upon 75% Fmsy has never been exceeded during the rebuilding plan” to Section 4.1.1 (revised GOM cod rebuilding strategy).

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

2. Mr. Dempsey moved on behalf of the committee:
to add sub-option D to Section 4.1.2 (revised American plaice rebuilding strategy) with the following text “if during the first 8 years F-rebuild is less than 75% Fmsy, 75% Fmsy will still apply if the stock ACL based upon 75% Fmsy has never been exceeded during the rebuilding plan”.

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

3. Mr. Dempsey moved on behalf of the committee:
to include an alternative for a pound for pound payback in the small mesh fishery plan if they exceed their sub-ACL of Georges Bank yellowtail flounder.

- 3a. Mr. Kendall moved to amend and Mr. Balzano seconded:
to include an alternative for a pound for pound payback in the small mesh fishery plan only if the total annual catch limit of Georges Bank yellowtail flounder is exceeded.

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

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

4. Mr. Dempsey moved on behalf of the committee:
that the area would close when the sub-ACL is exceeded. [Area described in Figure 1 in the memo to whiting/squid AP (document 7c) the two areas being polynorth and polysouth (shaded areas)]

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

5. Mr. Dempsey moved on behalf of the committee:
to add an Option X, as a possible AM any gear modifications in the small mesh fishery Georges Bank area.

- 5a. Mr. Dempsey moved to amend and Ms. Ramsden seconded:
to add an option as a possible AM or as a tech measure, any gear modifications in the small mesh fishery Georges Bank area.

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

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

6. Mr. Dempsey moved on behalf of the committee:
to support the ABCs for white hake as recommended by the SSC for 2014-2016.

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

7. The postponed motion from Tuesday:
that the TAC for Georges Bank yellowtail flounder for the 2014 FY be 400mt.

- 7a. Mr. Dempsey moved to substitute on behalf of the committee:
to adopt an ABC/OFL of 425mt of Georges Bank yellowtail flounder.

- 7b. Dr. Pierce moved to amend the substitute and Ms. Tooley seconded:
to adopt an ABC of 425mt of Georges Bank yellowtail flounder.

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

The substitute motion, as amended, failed on a show of hands (8/8/0).

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

8. Mr. Dempsey moved on behalf of the committee:
to approve as an option in Framework 51, to authorize the Regional Administrator to move Eastern Georges Bank haddock quota from east to west and west to east as the fleet needs it and accept the eastern Georges Bank haddock quota of 27,000mt.

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

9. Mr. Dempsey moved on behalf of the committee:
to include as Option 4 in Section 4.2.2.2:

1. give the Regional Administrator authority to make transboundary quota trades either with or only with the entities that will be trading their quota; and
2. whichever entities (e.g., MRI, groundfish sector) provide the quota for transboundary trading should benefit from the quota given in trade from Canada.

- 9a. Mr. Dempsey moved to amend and Mr. T. Alexander seconded:
to include as Option 4 in Section 4.2.2.2, to give the Regional Administrator authority to make transboundary trades of groundfish quota only with components of the fishery trading their away quota. Additionally, any groundfish quota resulting from a trade with Canada should go only to the groundfish fishery.

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

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

10. Mr. Dempsey moved on behalf of the committee:
to remove Option 2, full retention, from consideration at this time but to be included in the next appropriate groundfish action.

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

11. Mr. Dempsey moved on behalf of the committee:
to ask the SSC to reconsider the ABC of GOM haddock.

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

12. Mr. Dempsey moved on behalf of the committee:
to include as Option 2 in Section 4.2.5 to revisit the stratification of assumed discards for Georges Bank yellowtail flounder.

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

Groundfish Framework 51: consensus statements

The committee agreed by consensus to move forward with the GOM cod and American plaice rebuilding plans as currently proposed by the PDT.

The committee agreed by consensus to proceed with the small-mesh AM as outlined and will incorporate advice from the Whiting Advisory panel and the MAFMC's Squid Advisory Panel.

The committee agreed by consensus to include for consideration a measure that would distribute any additional quota consistent with the sector sub-ACL distribution; if trading groundfish quota then examine an allocation scheme that considers it as additional groundfish quota that contributes to ACE.

The committee agreed by consensus to remove Section 4.2.4 haddock spillover from Framework 51.

13. Ms. Tooley moved on behalf of the scallop committee:
that the Council include in Framework 51 zero retention for yellowtail flounder in the scallop fishery.

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

14. Mr. Kendall moved and Ms. Ramsden seconded:
to supplement the rebuilding programs for new plans implemented in Framework 51 with the following management objectives / decisions rules to guide management responses during the programs:
- if the fishery ACL for the stock has not been exceeded during the new rebuilding plan and new information indicates the stock is below rebuilding trajectory, request the PDT / SSC provide the Council with catch advice options that consider the following in priority order when F-rebuild would fall below 75% Fmsy absent this directive:
a. revise the rebuilding program to the full 10 years if a shorter time frame was initially adopted;
b. revise reference points to adjust for initial projections that are not playing out; and
c. provide F rebuild ACLs under each scenario including status quo.

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

GROUND FISH - Amendment 18 motions

15. Mr. Dempsey moved on behalf of the committee:
that the alternative for permit splitting be removed from the alternatives under consideration for Amendment 18 and that permit splitting be taken up through an omnibus amendment.

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

16. Mr. Dempsey moved on behalf of the committee:
to remove Alternative 3 (PSC splitting) from Amendment 18 alternatives.

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

MONKFISH

17. Mr. Dempsey moved on behalf of the committee:
to approve a range of alternatives for analysis and further consideration in Framework 8 to the monkfish FMP to implement revised specifications of DAS and trip limits for FY2014-2016, and other modifications to the current management plan, including changes to the boundary of permit Category H fishery.

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

18. Mr. McKenzie moved and Mr. Gibson seconded:
that the Council ask the PDT to analyze the effects of allowing the use of groundfish gillnets by those fishing on a monkfish-only days-at-sea.

The motion was **withdrawn** without objection.

SCALLOPS

19. Ms. Tooley moved on behalf of the committee:
to recommend that Alternatives 1, 2, 2b and 4 as possible specification alternatives in Framework 25.

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

20. Ms. Tooley moved on behalf of the committee:
to retain in Framework 25, Alternative 2 related to Closed Area 1 trips modified so that unused Closed Area 1 catch would be permitted to be fished in the current or revised area if modified by the EFH omnibus action. Retain Alternative 4 and add advisory panel motion 4 (split unused 2012 and 2013 Closed Area 1 trips to be permitted in open areas). [Not include Alternative 3]

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

21. Ms. Tooley moved on behalf of the committee:
to include AM alternatives 1-4 and eliminate 5-7 for consideration in Framework 25. Include reference in Framework 25 that there are already measures in place that reduce windowpane bycatch including requirement for use of turtle dredge.

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

Thursday, September 25, 2013

SKATES

1. Mr. Balzano moved on behalf of the committee:
that the Council or Agency as appropriate make the necessary changes to VTR and dealer reporting options to eliminate the unclassified option and make other changes to improve fishery dependent data on skate landings.

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

HERRING – Framework 3

2. Mr. McKenzie moved on behalf of the committee:
that in Section 2.2, Alternative 2 be the *preferred alternative*, with the 95% trigger option. And to adopt in Section 2.2.1, a 75th percentile metric river herring/shad catch cap for mid-water trawl gear in the GOM, for mid-water trawl gear in the Cape Cod area, and for bottom trawl and mid-water trawl gears in the Southern New England/Mid-Atlantic (SNE/MA) cap area for 2014-2015, no cap for the Georges Bank area in 2014-2015, and to modify the VMS reporting requirements as outlined on pgs. 15-16 of the draft Framework 3 document (Intent: separate caps for the gear types identified in the motion). The Area 2 consequence (closure) area would be the river herring/shad catch trigger area as depicted on Figure 2, May 23, 2013 herring PDT report. [When a gear specific cap is reached, the directed fishery for that gear type would close]

- 2a. Dr. Pierce moved to amend and Mr. Dempsey seconded:
to replace “75th percentile” with “median”.

Yes – Sissenwine, Quinn, Pierce, McKenzie, Dempsey, Bullard, Blount, M. Alexander

No – Kendall, Patterson, Goethel, Balzano, T. Alexander

Abstention(s) -

Recusal – Ms. Tooley

The motion to amend **carried** on a roll call vote with one recusal, Ms. Tooley (8/5/0/1).

The main motion, as amended, **carried** on a show of hands with one recusal, Ms. Tooley (13/0/0/1).

3. Dr. Pierce moved Mr. Dempsey seconded:
request NMFS recognize the high variability of river herring/shad catch rates in the Cape Cod area and moderate variability of catch rates in the SNE/MA area by carefully extrapolating and expanding river herring/shad catch from individual vessels to all vessels' catches in those areas.

The motion **carried** on a show of hands with one recusal, Ms. Tooley (12/0/1/1).

4. Mr. Dempsey moved and Mr. Kendall seconded:
to include language in the framework specifying that if catch of river herring/shad is documented to have increased in the Georges Bank area, an area-based cap for Georges Bank will automatically be considered during the following cap specifications setting action.

The motion **carried** on a show of hands with one recusal, Ms. Tooley (13/0/0/1).

HERRING - Priorities

Mr. McKenzie read the committee's statement regarding management priorities into the record: to recommend to the Council that the top and only herring management priorities for 2014 be addressing the disapproved elements of Amendment 5 and action related to industry-funded monitoring; all other herring-related actions would fall below the line.

5. Mr. Dempsey moved and Mr. T. Alexander seconded:
to request an Emergency Action to prohibit the use of midwater trawl gear in New England federal waters by vessels with a herring A or B permit unless and until that component of the fishery is covered with 100% at-sea monitoring and comprehensive dumping regulations, similar to existing Closed Area 1 dumping regulations, are implemented fishery-wide.
- 5a. Mr. T. Alexander moved and Mr. Blount seconded:
to table the previous motion until the November Council meeting.

The motion to table **carried** on a show of hands, with one recusal, Ms. Tooley (11/1/0/1).

Mary Beth Tooley's recusal statement: I will be recusing myself on this final action on Framework 3 because I am employed by companies that operate herring vessels that exceed 10% of total herring landings which constitutes a conflict of interest under the guidelines. - Mary Beth Tooley