

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Sheraton Harborside, Portsmouth, NH
January 28-30, 2014
MOTIONS

Tuesday, January 28, 2014

MONKFISH

1. Mr. Quinn moved on behalf of the committee:
that the Council select as its preferred alternative for the Northern Management Area (NMA) the following management measures: 40 days-at-sea (DAS) with an incidental trip limit when fishing under a groundfish DAS of 600 pounds per day for vessels with C permits and 500 pounds per day for vessels with D permits. (Committee revised alternative 3 – preferred - *for the NMA*)

1a. Mr. T. Alexander moved to substitute and Mr. Balzano seconded:
that the Council select as its preferred alternative for the NMA the following management measures: 46 days-at-sea (DAS) with an incidental trip limit when fishing under a groundfish DAS of 600 pounds per day for vessels with C permits and 500 pounds per day for vessels with D permits. (Committee revised alternative 3 – preferred - *for the NMA*)

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

1b. Dr. Pierce moved to amend and Ms. Tooley seconded:
that the Council select as its preferred alternative for the NMA the following management measures: 53 days-at-sea (DAS) with an incidental trip limit when fishing under a groundfish DAS of 600 pounds per day for vessels with C permits and 500 pounds per day for vessels with D permits. (Committee revised alternative 3 – preferred - *for the NMA*)

The motion to amend **failed** on a show of hands (1/16/0).

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

2. Mr. Quinn moved on behalf of the committee:
that the Council select as its preferred alternative for the Southern Management Area (SMA) the following management measures: 32 DAS with a daily landing limit of 610 pounds per day for vessels with a and C permits and 500 pounds per day for vessels with B, D and H permits. (Committee revised alternative 2 – preferred - *for the SMA*)

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

3. Mr. Quinn moved on behalf of the committee:
that the Council select as its preferred alternative the modification to DAS usage requirements to allow the use of monkfish-only DAS at any time during the FY in the Southern Management Area (SMA).

- 3a. Dr. Pierce moved to amend and Ms. Tooley seconded:
that the Council select as its preferred alternative the modification to DAS usage requirements to allow the use of monkfish-only DAS at any time during the FY in the Southern and Northern Management areas.

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

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

4. Mr. Quinn moved on behalf of the committee:
that the Council select the following management measure: for purposes of permit category H boundary, move Alternative 2 as the preferred alternative (vessels issued a monkfish category H permit may fish on a monkfish DAS throughout the SMA).

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

5. Mr. Quinn moved and Mr. Dempsey seconded:
that the Council submit Framework 8 to the monkfish FMP as amended at this meeting, and after the MAFMC votes for approval, to the Regional Office for review and approval.

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

SPINY DOGFISH

6. Dr. Pierce moved and Mr. Dempsey seconded:
to approve the 2014-2015 specs for the spiny dogfish FMP with the following measures:
1) to adopt for spiny dogfish in 2014, an ACL/ACT of 60.695M lbs resulting in a commercial quota of 49.037M lbs;
2) to adopt for spiny dogfish in 2015, an ACL/ACT of 62.270M lbs resulting in a commercial quota of 50.612M lbs;
3) to maintain a 4,000 lb trip limit in 2014 and 2015; and
4) to allow up to 3% RSA in 2014 and 2015.

- 6a. Mr. Preble moved to amend and Mr. Blount seconded:
to eliminate the 4,000 lb trip limit.

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

- 6b. The main motion as amended was voted:
to approve the 2014-2015 specs for the spiny dogfish FMP with the following measures:
1) to adopt for spiny dogfish in 2014, an ACL/ACT of 60.695M lbs resulting in a commercial quota of 49.037M lbs;
2) to adopt for spiny dogfish in 2015, an ACL/ACT of 62.270M lbs resulting in a commercial quota of 50.612M lbs;
3) to eliminate the 4,000 lb trip limit; and
4) to allow up to 3% RSA in 2014 and 2015.

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

SKATES

7. Mr. Kendall moved and Mr. T. Alexander seconded:
to move Section 4.1.3 (revised annual catch limits based on old catch/biomass medians) to the considered and rejected section.

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

8. Mr. Kendall moved and Mr. Dempsey seconded:
to recommend that the Council select the following as its preferred alternative to Framework 2:
1) Section 4.1.1, Option 2 (revised ACL 35,479 mt)
2) Section 4.2, Option 1 (no action from May 1-Aug 31 with a 2,600 lb wing possession limit; from Sep 1-Apr 30, 4,100 lbs)
3) Section 4.3, Option 1 (no action - 25,000 lbs bait possession limit)
4) Section 4.4, Option 2 (revised VTR codes - takes out unclassified and modifies bait and wing codes)

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

9. Mr. Kendall moved on behalf of the committee:
that the Council request NMFS publish a control date for the skate fishery for uses other than bait.

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

10. Mr. Kendall moved and Mr. Dempsey seconded:
that the Council submit Framework Adjustment 2 to the Regional Office for approval.

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

Wednesday, January 29, 2014

SCALLOPS

1. Ms. Tooley moved on behalf of the committee:
that the Council accept the advisory panel (AP) consensus statement related to default measures for FY2015. [*AP consensus: AP supports default measures for FY2015 for both limited access (LA) and limited access general category (LAGC) fisheries presented by the PDT (75% of projected DAS for LA vessels and 100% of projected LAGC sub-ACL for IFQ allocations)*]

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

2. Ms. Tooley moved on behalf of the committee:
to recommend Alternative 4 in Section 2.1.3.4 as preferred for Framework 25 specifications.

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

3. Ms. Tooley moved on behalf of the committee:
to recommend no action for Section 2.1.3.7 – no restriction on fishing location within Nantucket Lightship Access area.

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

4. Ms. Tooley moved on behalf of the committee:
to recommend Alternatives 2, 3, 4 and 5 as preferred for Section 2.1.3.8 – additional measures to reduce mortality on smaller scallops in Nantucket Lightship and Delmarva.

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

5. Ms. Tooley moved on behalf of the committee:
to recommend AP motion #5 and #6 relative to use of unused 2012 and 2013 Closed Area I trips be preferred for Framework 25.
[AP Motion 5 - Support Alternative 2, Option 2, Sub-option C for unused 2012 CA1 trips. Unused 2012 CA1 trips could be used in CA1 access area when it reopens after the EFH Omnibus Action is implemented. Clarify that this would be limited to vessels that submitted a broken trip adjustment sheet and qualify for a broken trip only.]
[AP Motion 6 - Support Alternative 2, Option 1, Sub-option C for unused 2013 CA1 trips. Unused 2013 CA1 trips could be used in CA1 when it reopens after the EFH Omnibus Action is implemented. Clarify that vessels do not have to submit a broken trip adjustment sheet for unused 2013 trips, per recent email from NERO.]

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

6. Ms. Tooley moved on behalf of the committee:
to recommend Option 2 in Section 2.1.4.3 related to allocation of fleetwide access area trip allocations for the limited access general category (LAGC) fishery as preferred.

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

7. Ms. Tooley moved on behalf of the committee:
to recommend no action for Section 2.1.5 for the hard-TAC for the Northern Gulf of Maine (NGOM), 70,000 lbs as preferred.

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

8. Ms. Tooley moved on behalf of the committee:
to recommend Alternative 2.2.3 be the preferred alternative for the SNE/MA windowpane flounder accountability measure (AM) for the scallop fishery. Alternative 2.2.3 is a reactive seasonal gear restricted area AM; the AM area shall be all waters west of 71W, not including scallop access areas. If AMs are triggered and the overage by the scallop fishery is estimated to >0 and <20%, the AM would be in place for the month of February. If the overage is over 20% the AM season would be for the months of February and March.

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

9. Ms. Tooley moved on behalf of the committee:
to adopt Alternative 4 as preferred; a proactive SNE/MA windowpane flounder AM that would prohibit a scallop dredge vessel from having more than 7 rows of rings in the apron of a scallop dredge in all waters west of 71W, excluding Mid-Atlantic access areas.

The motion **carried** on a show of hands, with one recusal, Ms. Tooley (14/0/0/1).

10. Mr. Preble moved and Ms. Ramsden seconded:
that the Council submit Framework 25 to the Scallop FMP, as amended at this meeting, to the Regional Office for review and approval.

The motion **carried** on a show of hands with one abstention and one recusal, Ms. Tooley (14/0/1/1).

Recusal Statement:

Ms. Tooley works for 2 companies that own scallop limited access vessels that do not exceed the 10% conflict of interest limit. However, those companies jointly own a processing company that does process greater than 10% of the scallop fishery harvest.

By consensus, the Council shall draft a letter to NMFS to consider adding a field for scallop dredge type to paper and electronic VTR reports.

By consensus, the Council draft a letter to NMFS requesting they reconsider the Endangered Species Act (ESA) ruling on the turtle chain mat line to be consistent with the turtle deflector dredge boundary.

GROUND FISH

Vessel Upgrade Restrictions

11. Mr. Blount moved on behalf of the committee:
that vessel upgrade restrictions not be considered in Amendment 18, and instead, develop vessel upgrade restriction measures via an omnibus amendment in collaboration with GARFO. The omnibus should also remove or change vessel length and horsepower provisions.

- 11a. Mr. Preble moved to amend and Ms. Ramsden seconded:
to split the previous motion.

1st part of split motion:

that vessel upgrade restrictions not be considered in Amendment 18, and instead, develop vessel upgrade restriction measures via an omnibus amendment in collaboration with GARFO.

2nd part of split motion:

The omnibus should also remove or change vessel length and horsepower provisions.

By **consensus**, the Council agreed to table the previous motion until the following day.

Northeast Hook Fishermen's Association Proposal

12. Mr. Blount moved on behalf of the committee:
to recommend to the Council that an alternative be added to the next available groundfish action to remove the requirement that vessels operating with a handgear permit carry a standard fish tote on-board.

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

13. Mr. Blount moved on behalf of the committee:
that the NEHFA proposal not be included in Amendment 18.

- 13a. Mr. Grout moved to substitute and Dr. Pierce seconded:
to include the following provisions as an alternative in Amendment 18 for analysis:

1. allocate the handgear A (HA) permit history (PSC) of groundfish HA fishermen catch for cod, haddock and pollock from 1996-2006 as a specific sub-ACL only to be used by HA fishermen;
2. proactive accountability measures: trip limits set in specifications and modified in season by the Regional Administrator to prevent overage;
3. reactive accountability measures: any overages of sub-ACLs would be subtracted from subsequent years sub-ACL;
4. up to 10% unused HA sub-ACL may be transferred to the following fishing year;
5. removal of March 1-20 handgear fishing closure;
6. eliminate trimester AMs (quotas) for HA permit holders;
7. removal of requirement for HA fishermen to carry a tote;
8. other species caught (harvest and discards) by HA permits (except those grandfathered into sectors) would be accounted for under other component of ACLs (see pg 4 table 1 of 11/7/13 GF PDT memo);
9. specify handgear groundfish sub-ACL history can only be used by HA fishermen, using handgear, if fishing in a sector. Grandfather any HA permit holders who leased history in 2012 and 2013 from this.

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

The main motion, as substituted, **carried** on a show of hands (17/0/0).

Thursday, January 30, 2014

GROUND FISH (continued from previous day)

1. Mr. Grout moved and Mr. Bullard seconded:
to reconsider tabled motion (#11) from the previous day and to split it.

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

- 1a. The 1st part of the split motion:
that vessel upgrade restrictions not be considered in Amendment 18, and instead, develop vessel upgrade restriction measures via an omnibus amendment in collaboration with GARFO.

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

- 1b. The 2nd part of split motion:
the omnibus should also remove or change vessel length and horsepower provisions.

- 1c. Mr. Dempsey moved to amend and Mr. Preble seconded:
to consider developing an omnibus to remove or change vessel length and horsepower provisions under the next priority discussion; and in the meantime, to raise this issue with the MAFMC and other relevant management entities to discuss these changes.

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).

Permit Banks

2. Mr. Blount moved on behalf of the committee:
that non-profit entities (private permit banks) holding permits for the purpose of leasing ACE to active fishermen be referred to as “non-profit permit banks” thereby distinguishing them from other private entities that lease ACE.

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

3. Mr. Blount moved on behalf of the committee:
to include as an alternative the definition of a non-profit permit bank as described in draft Amendment 18, Section 4.2.2 (Alternative 2: defining a non-profit permit bank), excluding Criteria 2 and 5.

- 3a. Dr. Pierce moved to amend and Ms. Goethel seconded:
to include as an alternative the definition of a non-profit permit bank as described in draft Amendment 18, Section 4.2.2 (Alternative 2: defining a non-profit permit bank), excluding Criteria 5. Criteria 2 would read ‘holds multispecies permits/MRIs.

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

- 3b. Mr. Dempsey moved to substitute and Mr. T. Alexander seconded:
that we do not support developing alternatives in Amendment 18 that would treat groundfish permit holders operating as private permit banks any differently than other groundfish permit holders. They should continue to be held to all rules applicable to permit holders.

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

- 3c. The main motion, as amended, was voted:
to include as an alternative the definition of a non-profit permit bank as described in draft Amendment 18, Section 4.2.2 (Alternative 2: defining a non-profit permit bank), excluding Criteria 5. Criteria 2 would read 'holds multispecies permits/MRIs'.

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

4. Mr. T. Alexander moved and Ms. Tooley seconded:
for the purposes of calculating and evaluating a person or entity's holdings as it relates to any limits or caps that may be implemented in Amendment 18, include an umbrella provision that excludes/exempts any changes in PSC, DAS or other permit aspects that may result from a fishery buyback program.

The motion was **withdrawn** without objection.

5. Mr. T. Alexander moved and Ms. Tooley seconded:
conditional upon maintaining the policy that PSC's cannot be split and for the purposes of simplifying consideration and analysis of excessive shares and holdings caps, limit the consideration of PSC holdings caps to the GOM and GB cod stocks or other appropriate stocks as analyzed by the PDT.

- 5a. Mr. Dempsey moved to amend and Mr. Balzano seconded:
to task the staff to develop alternatives for consideration in Amendment 18 that would apply a PSC cap to only a sub-set of stocks like GOM cod and GB cod as a simpler way of achieving the goals of this amendment.

- 5b. The motion was perfected to read:
to task the staff to develop alternatives for consideration in Amendment 18 that would apply a PSC cap to only a sub-set of stocks like GOM cod and GB cod.

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

The main motion, as perfected and amended, **carried** on a show of hands (15/2/0).

Industry-Funded Monitoring

6. Mr. Bullard moved and Mr. McKenzie seconded:
that the Council approve the omnibus and herring coverage target range of alternatives from the discussion document for further development and analysis in the omnibus industry-funded monitoring amendment.

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

HERRING

Dealer Weighing Provisions

7. Mr. Grout moved on behalf of the committee:
to include in Framework 4 alternatives that would further develop Amendment 5 Alternatives 2a, 2b, and 2c for accurate and verified catch weights. Additionally, to include development of industry weighing and handling standards to support these alternatives.

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

Measures to Address Net Slippage

8. Mr. Grout moved on behalf of the committee:
to include the following alternatives in Framework 4 to address net slippage:
* alternative based on MAFMC Alternative 7 in the Framework 4 discussion document: to require vessels with limited access herring permits to vacate a statistical area in which any slippage besides the dogfish exemption occurs (for the remainder of a trip). In addition, if any non-exempted slippage occurs, the vessel would have to terminate the trip. Mechanical and safety issues that lead to a slippage event would thus require leaving a statistical area but not require trip termination.
* alternative based on MAFMC Alternative 6 in the framework 4 discussion document: to require vessels with limited access herring permits to vacate a statistical area in which any slippage occurs (for the remainder of a trip). In addition, if any non-exempted slippage occurs they would have to terminate the trip. Mechanical, dogfish and safety issues that lead to a slippage would thus require leaving a statistical area but not require trip termination.
[both of these alternatives will include sub-options for "miles away" move along rules as a consequence for slippage events.]
- 8a. Ms. Tooley motion to substitute and Mr. T. Alexander seconded:
to include the following alternative in Framework 4 to address net slippage:
move along rules: to consider requirements for vessels with limited access herring permits to be subject to "move along rules" as a consequence in the event that slippage occurs in the fishery.
Component #1: Move Along Options
Require move along strategies:
(a) Vacate a statistical area
(b) Vacate a management area
(c) Move x number of miles
Component #2: Exemptions
Exemptions that may be considered for move along strategies (move along not required) chose 0, 1, 2 and/or 3:
(a) Dogfish
(b) Safety
(c) Mechanical failure
Component #3: Operational Discards (midwater (bottom?) Trawl only)
Operational discards not allowed for midwater trawl (bottom?)
Component #4: Trip Termination
If any non-exempted slippage occurs, the vessel would have to terminate the trip.

- 8b. Mr. Kendall moved to amend and Mr. Dempsey seconded:
to add a Component #5 stating that “these alternatives will be applied to the following vessels when on a declared herring trip, either 1) all limited access herring permits or 2) A and B vessels only”.

The motion to amend **carried** on a show of hands (9/5/1).

- 8c. The substitute motion, as amended, was voted:
to include the following alternative in Framework 4 to address net slippage:
move along rules: to consider requirements for vessels with limited access herring permits to be subject to “move along rules” as a consequence in the event that slippage occurs in the fishery.
- Component #1: Move Along Options
Require move along strategies:
(a) Vacate a statistical area
(b) Vacate a management area
(c) Move x number of miles
- Component #2: Exemptions
Exemptions that may be considered for move along strategies (move along not required) chose 0, 1, 2 and/or 3:
(a) Dogfish
(b) Safety
(c) Mechanical failure
- Component #3: Operational Discards (midwater (bottom?) Trawl only)
Operational discards not allowed for midwater trawl (bottom?)
- Component #4: Trip Termination
If any non-exempted slippage occurs, the vessel would have to terminate the trip.
- Component #5
These alternatives will be applied to the following vessels when on a declared herring trip, either 1) all limited access herring permits or 2) A and B vessels only

The motion to substitute, as amended, **carried** on a show of hands (10/5/0).

The substitute motion, as amended, **carried** on a show of hands (11/4/0).

9. Mr. Grout moved on behalf of the committee:
to include the following alternative in Framework 4 to address net slippage:
* alternative that would expand existing Closed Area 1 provisions and consequences as outlined in the Amendment 5 measures for groundfish closed areas (only midwater trawl vessels with a limited access herring permit, no operational discards allowed) throughout the geographic range of the fishery. [*This alternative would include sub-options that would require vessels to leave the statistical area or management area following the slippage event*].

The motion was **withdrawn** without objection.

ENFORCEMENT

Hidden Compartments

10. Mr. T. Alexander moved on behalf of the committee:
that no additional laws or regulations, or amendment of MSA, be implemented relative to hidden compartments [concealment of fish]. Furthermore, the Council supports the use of all current laws, rules and regulations by law enforcement officials to enforce violations of current fisheries laws which use hidden compartments [concealment of fish] for purposes of violating any laws, rules or regulations.
- 10a. Mr. Dempsey moved to amend and Mr. McKenzie seconded:
that it is the Council's belief that no additional laws, regulations or amendments of MSA are needed relative to hidden compartments at this time. Furthermore, the Council supports the use of all current laws, rules and regulations by law enforcement officials to enforce violations of current fisheries laws which use hidden compartments [concealment of fish] for purposes of violating any laws, rules or regulations.
- The motion to amend **carried** on a show of hands (14/0/0).
- The amended motion **carried** on a show of hands (14/0/0).
11. Mr. Bullard moved and all Council members seconded the following:
that the Council accepts Phil Haring's resignation and send our thanks, gratitude and best wishes for all the he has done during his many years of service. Phil's efforts on Groundfish Amendments 5, 7, and 9, and the first 33 groundfish framework adjustments were critical to the implementation and development of the effort control system in that fishery. His subsequent work on the Herring and Monkfish Fishery Management Plans greatly improved those management programs. The Council sincerely appreciates his years of hard work, his knowledge of the fisheries, his strong interest in collaborative fisheries research, and his dedication to the principles of sustainable fisheries management. We will miss you, Phil.

The motion **carried** unanimously on a voice vote.