

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Hilton Hotel, Mystic, CT
April 27-29, 2010
Motions

Tuesday, April 27, 2010

COUNCIL HANDBOOK DISCUSSION

1. Mr. Fair moved and Mr. Cunningham seconded:
to increase the SSC membership from 15 to 17 and to define the number for a quorum at SSC meetings as eight (different from the majority quorum listed in the Council's SSC policy).

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

2. Mr. Fair moved and Mr. Cunningham seconded:
recommend a change to the Council Member Compensation Policy to include language that Council member attendance at SSC meetings be reimbursed.

The motion **carried** on a show of hands with one abstention.

3. Mr. Preble moved and Mr. Cunningham seconded:
to adopt the Council's remand policy which reads "the Council may remand back to the SSC its ABC recommendation based on the following criteria: (a) failure of the committee to follow the terms of reference provided to it by the Council; (b) an error, in fact or omission, in the materials provided to the committee; (c) an error in fact in the calculations, if any, undertaken by the Committee in developing its ABC recommendations; and (d) failure of the committee to follow its standard operating procedures."

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

HERRING

4. Mr. Grout moved on behalf of the committee:
to recommend that the next herring benchmark assessment be conducted in June 2012 (SARC 54).

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

5. Mr. Grout moved on behalf of the committee:
to request the Interspecies Committee to consider developing a mechanism to allow retention of bycatch of federal and ASMFC-managed species in the Atlantic herring fishery. Also, to potentially consider allowing landing and sale of bycatch as a means to fund monitoring of the Atlantic herring fishery.

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

6. Ms. Tooley moved and Dr. Pierce seconded:
that the Council send a letter to the ASMFC herring section concerning Addendum III to the states Atlantic herring FMP that would allocate additional access to small mesh bottom trawl fishermen (Category C and D) through differential effort controls or allocation of a percentage of the TAC in Herring Management Area 1A. While the Council supports the efforts of the states to develop a complimentary FMP for Atlantic herring, the Council is deeply concerned about creating incentives for increased participation in the herring fishery. The management of federal fisheries and associated allocations (sub-ACLs) must be developed in accordance with the National Standards found in the Magnuson-Stevens act.

The motion **carried** on a show of hands (11/3/2).

MONKFISH (Amendment 5)

7. Mr. Stockwell moved on behalf of the committee:
in Section 3.1, biological and management reference points, move to recommend for adoption Alternative 2.

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

8. Mr. Stockwell moved on behalf of the committee:
in Section 3.2, annual catch limits and accountability measures, to recommend adoption of a 3rd preferred option for the Northern Management area, 13,988 mt or 80% of the ACL with trip limits and DAS adjustments set accordingly.

- 8a. Ms. McGee moved to substitute and Mr. Preble seconded:
to recommend the development of a 3rd option for the Northern Management area, 13,988 mt or 80% of the ACL with trip limits and DAS adjustments set accordingly.

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

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

9. Mr. Stockwell moved on behalf of the committee:
in Section 3.2, annual catch limits and accountability measures, move to recommend for adoption Alternative 2, Option 2 for the Southern Fishery Management area.

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

10. Mr. Stockwell moved and Mr. Preble seconded:
to adopt under Section 3.2 reactive AMs, the options to deduct ACL overage weight from ACT; adjust management measures in second year after overage year; if the Councils do not take appropriate action, the Regional Administrator will use formulaic approach to adjust DAS and trip limits and implement by notice action [ACL=ABC].

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

11. Mr. Stockwell moved on behalf of the committee:
in Section 3.3.1, specifications of DAS and trip limits, move to recommend for adoption Alternative 2 Northern Management area, 2C, depending on the Council's decisions on the motion regarding Option 3 for the Northern Management area ACT.

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

12. Mr. Stockwell moved on behalf of the committee:
in Section 3.3.1, specifications of DAS and trip limits, move to recommend for adoption Alternative 2 Southern Management area, specify Option 2B.

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

13. Mr. Stockwell moved on behalf of the committee:
in Section 3.3.2.1, automatic adjustments for trip limit overage, move to recommend for adoption Alternative 2, Option 3;
in Section 3.3.2.2, permit Category C and D groundfish DAS usage, move to recommend for adoption Alternative 1;
in Section 3.3.2.3, monkfish vessels in groundfish sectors-groundfish DAS usage, move to recommend for adoption Alternative 1;
in Section 3.4.2, allow changes to RSA program by framework adjustment, move to recommend for adoption Alternative 2;
in Section 3.5, mandatory VMS, move to recommend for adoption Alternative 1;
in Section 3.6, allow landing of monkfish heads, move to recommend for adoption Alternative 2.

- 13a. Mr. Pappalardo moved to amend and Mr. Goethel seconded:
in Section 3.3.2.1, automatic adjustments for trip limit overage, move to recommend for adoption Alternative 2, Option 3;
in Section 3.3.2.2, permit Category C and D groundfish DAS usage, move to recommend for adoption Alternative 1;
in Section 3.3.2.3, monkfish vessels in groundfish sectors-groundfish DAS usage, move to recommend for adoption Alternative 1;
in Section 3.4.2, allow changes to RSA program by framework adjustment, move to recommend for adoption Alternative 2;
in Section 3.5, mandatory VMS, move to recommend for adoption Alternative 1;
in Section 3.6, allow landing of monkfish heads, move to recommend for adoption Alternative 2;
to remove Section 3.4.1, research set-aside carryover, from the document.

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

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

Wednesday, April 28, 2010

INTERSPECIES

1. Mr. Blount moved on behalf of the committee:
to pursue consolidation of multispecies, skate and monkfish FMPs and to reach out to the MAFMC for consultations on monkfish.

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

2. Mr. Blount moved on behalf of the committee:
that accumulation limits for groundfish sectors or permit holders be developed to meet the following goals:
1) comply with National Standard 4 and 2) define and prevent excessive consolidation in order to maintain some fleet diversity.

- 2a. Mr. Preble moved to amend and Ms. Tooley seconded:
that accumulation limits for permit holders be developed to meet the following goals: 1) comply with National Standard 4 and 2) define and prevent excessive consolidation.

The motion to amend was **withdrawn** by its maker.

- 2b. Mr. Cunningham moved to substitute and Mr. Preble seconded:
that the subject of accumulation limits be remanded to the Interspecies Committee for further development with the intent that the Interspecies Committee brings this back to the Council in June.

The motion to substitute was **withdrawn** by its maker.

- 2c. Dr. Pierce moved to substitute and Mr. Stockwell seconded:
that the Groundfish Committee address allocative effects and excessive control of fishing privileges by persons that hold ownership interests in permits or resulting from groundfish sector ACEs as they relate to the FMPs social and economic objectives, the Council sector management policy, the National Policy on catch share management, and requirements of National Standard 4.

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

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

3. Mr. Stockwell moved and Mr. Preble seconded:
to request that staff develop a white paper on groundfish fleet diversity and accumulation limits: 1) that provides definitions of fleet diversity as used by other multispecies fisheries; 2) that outlines baselines and potential measures for the northeast groundfish fishery and 3) that provides an initial analysis to outline the range of outcomes.

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

4. Ms. McGee moved and Mr. Goethel seconded:
to direct the Groundfish Committee to provide recommendations to the Council at its June meeting on establishing an accumulation limit control date.

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

SKATE

5. Mr. Cunningham moved and Mr. Avila seconded:
that the Council requests that NMFS incorporate the new ABC numbers from the SSC into Amendment 3 and adjust the skate wing possession limit to 4,100 lbs for 2010-2011.
- 5a. Mr. Odlin moved to amend and Mr. Preble seconded:
that the Council requests that NMFS incorporate the new ABC numbers from the SSC into Amendment 3 and adjust the skate wing possession limit to 5,000 lbs for 2010-2011.

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

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

RED CRAB

6. Mr. Preble moved and Mr. Cunningham seconded:
to adopt the revised interim red crab ABC of 1,775 mt (landings of male crabs) recommended by the SSC.

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

7. Mr. Cunningham moved and Mr. Avila seconded:
to recommend that the Regional Administrator make in-season adjustments to red crab management measures that would be consistent with an increase in the interim ABC from 1,615 mt, which was submitted by the Council in the specifications for FY 2010, to 1,775 mt.

- 7a. Mr. Odlin moved to amend and Mr. Preble seconded:
to include that the DAS allocated to the fisheries be reduced from 795 to 763 DAS for the 2010 fishing year.

The motion to amend was **withdrawn** by its maker.

- 7b. The main motion was voted:
to recommend that the Regional Administrator make in-season adjustments to red crab management measures that would be consistent with an increase in the interim ABC from 1,615 mt, which was submitted by the Council in the specifications for FY 2010, to 1,775 mt.

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

Thursday, April 29, 2010**GROUND FISH**

1. Mr. Odlin moved and Mr. Preble seconded:
for Alternative Georges Bank yellowtail flounder rebuilding strategies, to exclude the runs for 2014 and 2015 and that we add a run for 2016 at a 60% probability.

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

2. Mr. Odlin moved and Dr. Pierce seconded:
that the Council send a letter to the Secretary of Commerce that states that the Council recognizes a need for a permit buyback in the multispecies fisheries in New England.

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

3. Mr. Cunningham moved and Mr. Stockwell seconded:
to put the new sector requests into the next available framework adjustment.

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

4. Mr. Stockwell moved and Ms. Tooley seconded:
to include a request for an exemption in the next available action to support the Portland Fish Exchange, and other entities, request for an exemption in Section 4.2.3.5.4, the standards for sector monitoring and reporting service providers for Amendment 16.

The motion was **withdrawn** by its maker.

5. Mr. Stockwell and Mr. Preble seconded:
to reaffirm the multispecies party/charter control date of March 30, 2006.

- 5a. Mr. Cunningham moved and Mr. Preble seconded:
to table the previous motion to the June Council meeting and address this issue under the groundfish report.

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

6. Mr. Stockwell moved and Mr. Odlin seconded:
to request that the Regional Administrator initiate an emergency action to implement a zero possession limit for Gulf of Maine winter flounder.

- 6a. The motion was perfected to read:
to request that the Regional Administrator initiate an emergency action to implement a zero possession limit for Gulf of Maine winter flounder and zero allocation.

- 6b. Mr. Grout moved and Mr. Leary seconded:
to table the previous motion until the June Council meeting and address this issue under the groundfish report.

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

7. Mr. Leary moved and Mr. Goethel seconded:
submit a letter to NOAA asking them to consider funding groundfish monitoring in the 2012 budget.

- 7a. The motion was perfected to read:
request NOAA continue to prioritize groundfish monitoring funding.

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

JT GROUND FISH/SCALLOP

8. Mr. Cunningham moved on behalf of the committee:
recommend the Council not proceed with an amendment to develop scallop incidental catch sectors (SICS) and that the Council redefine the committee's mission to develop measures between the groundfish and scallop fisheries to facilitate the harvest of optimum yield (OY) from the two fisheries.
- 8a. Dr. Pierce moved to amend and Ms. Tooley seconded:
recommend the Council not proceed with an amendment to develop scallop incidental catch sectors (SICS) and that the Council redefine the committee's mission to develop measures between the groundfish and scallop fisheries to facilitate the harvest of optimum yield (OY) from the two fisheries and to develop mechanisms for bycatch ACE transfer between groundfish sectors and the limited access scallop fishery.
- 8b. Mr. Cunningham moved to substitute and Mr. Preble seconded:
that the Council direct the joint Groundfish/Scallop committee to continue working with the groundfish and scallop industries to develop mechanisms to facilitate the harvest of OY from the two fisheries. The committee should utilize the newly constituted joint advisory panel to help develop this mechanism.

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

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

9. Mr. Cunningham moved on behalf of the committee:
recommend the Council adopt two objectives for the amendment:
1. to develop measures for the Northeast multispecies and scallop fisheries that facilitates the harvest of optimum yield from the two fisheries by addressing the potential constraints of the groundfish stock allocations;
 2. to develop measures to reduce catch of groundfish in the scallop fishery by adopting measures that would allow benefits for the fishery from reduction in groundfish catch.

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

10. Ms. Tooley moved and Mr. Avila seconded:
that the joint Groundfish/Scallop committee continue its work to develop an amendment to facilitate the annual transfer/lease of groundfish between the multispecies and scallop fisheries. Such work should include the consideration of service agreements and contracts between groundfish sectors and scallop vessel owners, backstop incidental bycatch sectors (BIBs) and other simplified ACE transfer mechanisms.

The motion was **withdrawn** by its maker.

11. Dr. Pierce moved and Mr. Stockwell seconded:
that the joint Scallop/Groundfish Committee consider expanded access for the general category scallop fleet in the Great South Channel scallop dredge exemption area during the yellowtail flounder closure.

- 11a. The motion was perfected to read:
that the Groundfish Committee consider expanded access for the general category scallop fleet in the Great South Channel scallop dredge exemption area during the yellowtail flounder closure.

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