

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Hilton Hotel, Mystic, CT
April 24-26, 2012
MOTIONS

Tuesday, April 24, 2012

ASMFC DISCUSSION

1. Mr. Dempsey moved and Mr. Gibson seconded:
that the Council draft a letter to ASMFC recommending that they adopt the federal dogfish quota for 2012 to avoid misalignment between state and federal water plans.

- 1a. The motion was perfected to read:
that the Council draft a letter to ASMFC recommending that they reconsider adoption of the federal dogfish quota for 2012 to avoid misalignment between state and federal water plans.

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

PRIORITY DISCUSSION

2. Mr. Odlin moved and Mr. Preble seconded:
that the Council not change the current priorities at this time.

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

POLICY DISCUSSION

3. Dr. Pierce moved and Ms. Tooley seconded:
that the Executive Committee (1) detail considerations and criteria it will use when considering industry-funded scientists and members and/or staff of NGOs for PDT membership; and (2) provide the Council with an explanation as to how these appointments will be reconciled with PDT responsibilities pertaining to impartiality, credibility and non-advocacy. Executive Committee recommendations for these PDT appointments must be approved by the Council.

- 3a. Mr. Odlin moved to amend and Mr. Dempsey seconded:
to remove #2 from the previous motion so that the motion will read: "that the Executive Committee detail considerations and criteria it will use when considering industry-funded and NGO-funded scientists and/or staff of NGOs for PDT membership. The Executive Committee will bring the criteria back to the full Council for approval."

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

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

4. Mr. Preble moved and Mr. Alexander seconded:
to accept the change to the Advisory Panel policy related to Advisory Panel Chairs seated at their respective committee meeting table as discussed this date.

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

SCALLOPS

5. Ms. Tooley moved and Mr. Avila seconded:
that the Council approves the list of research priorities as presented with the modifications suggested by the Scallop PDT.

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

6. Dr. Pierce moved and Ms. McGee seconded:
that the SSC be tasked to: (1) review the sea scallop habcam survey technology and methods to determine if the habcam is appropriate at this time for performing annual sea scallop surveys; (2) review how habcam results will be integrated into sea scallop assessments for determining biomass and fishing mortality; and (3) determine the impacts on assessments of reduced survey coverage from current dredge and SMAST video surveys.

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

ENFORCEMENT

Without objection, the committee motions have been forwarded to the Herring Committee for enactment.

Without objection, that quarterly committee meetings may be used as a forum to provide regional input to the NMFS enforcement priority setting process for the following year.

7. Mr. Blount moved on behalf of the committee:
that the Council send a letter to Secretary Bryson similar in content to the letters sent by the ASMFC and MAFMC that: 1) underscores the concerns about the lack of NOAA General Counsel staffing in the Northeast region and how that undermines the deterrent effect of law enforcement effort; 2) expresses appreciation with efforts made to date to address the current case backlog; 3) requests that attorneys be returned to the Regional office to rebuild relationships with industry (and participate in management decisions); 4) assures future staffing levels are appropriate to prevent another backlog similar to the one that exists today.

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

Wednesday, April 25, 2012**ATLANTIC STURGEON DISCUSSION**

1. Dr. Pierce moved and Mr. Stockwell seconded:
that the Council (1) send a letter to NMFS requesting a joint meeting of the agency's protected species staff, ASMFC Sturgeon Technical Committee and the NEFMC/MAFMC SSC to receive a detailed update from NMFS staff on the Atlantic sturgeon listing under the Endangered Species Act.
- a. Following this meeting, the SSC will review the: (i) scientific basis for the listing with a focus on the methodology and data used to generate the listing and associated conclusions and (ii) methodology used to generate bycatch and discard estimates by gear type, season and area.
 - b. After this review the SSC will: (i) advise the Council as to the appropriateness of the methodology used in the NMFS analysis and (ii) recommend ways to improve the analysis and how the analysis can be used to reduce sturgeon bycatch.
- (2) Request the NMFS protected species staff provide the NEFMC and MAFMC with:

- a. A detailed description of the methodology, process, timeline, and description of any public process mechanisms NMFS will use to formulate a so-called “batched biological opinion” specific to Atlantic sturgeon.
- b. A detailed explanation of the baseline population data being used to estimate the condition of each DPS, the rationale that will be used to determine whether jeopardy exists for each affected fishery, and how the incidental take statements will be calculated in relation to the DPS population condition for each affected fishery.
- c. “Draft biological opinion” on sturgeon following the precedent set with the Pacific Councils with a potential ESA listing involved North Pacific groundfish and Hawaiian swordfish fisheries.
- d. Time period allowing for adequate review of and public comment on this biological opinion.

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

2. Mr. Odlin moved and Ms. McGee seconded:
that the Council charge the Executive Committee to work with NMFS in structuring a panel that would include industry, Service and Council representatives to work on the draft biological opinion to provide a response to the draft and possible measures that may be needed.

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

HARBOR PORPOISE DISCUSSION

3. Mr. Goethel moved and Ms. Ramsden seconded:
that the Council send a letter to request the reconvening of the Take Reduction Team (TRT) in person immediately and to further request that the TRT come up with a list of alternatives that will satisfy the PBR in lieu of the consequence closures.

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

MONKFISH

4. Mr. Odlin moved and Mr. Libby seconded:
to move Amendment 6 forward without consideration of an ITQ for the purpose of expediting the amendment.

The Chair **ruled the motion out of order** and requested it be revisited at the June Council meeting.

GROUND FISH - GOM Cod Planning

5. Mr. Stockwell moved on behalf of the committee:
recommend that the Council request a GOM cod benchmark assessment in 2012. That assessment should address the ten priority issues identified by the Massachusetts Fisheries Institute in its April 3, 2012 letter to Sam Rauch.

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

Sector Management Action

6. Mr. Stockwell moved on behalf of the committee:
to move forward with Goal 1, except for Bullet 2, and for Bullet 3 add “while maintaining as much flexibility as possible to enhance fleet viability” contained in the Sector Monitoring White Paper. Goals 2 through 6 will remain as written.

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

7. Mr. Stockwell moved on behalf of the committee:
that the Council send a letter to NMFS to formally request 100% federal funding for groundfish monitoring costs in FY 2013.

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

8. Mr. Stockwell moved on behalf of the committee:
to put into the considered and rejected column the following options for monitoring funding and cost-sharing mechanisms: the fee model, cost recovery model, lease/credit model and the incentives to pay model.

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

9. Mr. Stockwell moved on behalf of the committee:
that the PDT analyze having a portion of quota set aside for management uncertainty be allocated to individual sectors for them to auction/sell between and/or within sectors to defray at-sea monitoring costs.

- 9a. Mr. Grout moved to amend and Mr. Goethel seconded:
that the PDT analyze having a portion of quota set aside to be allocated to individual sectors for them to auction/sell between and/or within sectors to defray at-sea monitoring costs. This analysis will include a discussion and comparison of having the portion of the quota come from 1) the portion set aside for management uncertainty or 2) a portion of the annual catch limit.

The motion to amend **carried** on a show of hands (11/4/1).

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

10. Mr. Stockwell moved on behalf of the committee:
that the Council adopt the following distinction between those aspects of the groundfish monitoring program which the fishing industry could be required to support (partially or entirely) and those programmatic costs that will continue to be funded (permanently and entirely) by NMFS.

Specifically, the industry shall only ever be responsible for contributing to the funding for direct at-sea monitor (ASM) costs: specifically the daily salary of the ASM.

Costs of the ASM and monitoring program shall continue to be supported entirely by NMFS. These program elements and activities would include, but are not exclusive to:

- briefing, debriefing, training and certification costs (salary and non-salary)
- sampling design development
- data storage, management and security
- data quality assurance and control
- administrative costs
- maintenance of monitoring equipment
- ASM recruitment, benefits, insurance and taxes
- logistical costs associated with ASM deployment
- ASM travel and lodging

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

11. Mr. Stockwell moved on behalf of the committee:
to develop an option in the next appropriate action for 100% dockside monitoring coverage that is paid for by the dealer.

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

12. Mr. Goethel moved and Mr. Grout seconded:
to analyze an option to permanently eliminate the mandatory dockside monitoring program.

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

ABC Action

13. Mr. Stockwell moved on behalf of the committee:
recommend that the Council include as a priority starting a joint action with the Scallop Committee to modify the dates for access to the scallop fishery access areas.

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

Thursday, April 26, 2012

GROUND FISH (continued from previous day)

1. Mr. Stockwell moved and Mr. Darcy seconded:
that the Council approve the draft notice of intent to prepare an EIS to address FY 2013-2015 ABCs and impacts of fishing activity on Atlantic sturgeon.

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

Trawl Gear Stowage Requirements

2. Mr. Stockwell moved on behalf of the committee:

to remove all of these items as requirement from the Groundfish FMP (basically, sub-paragraphs (b)(1)(i) through (b)(1)(iv), and (b)(5) in 50 CFR 648.23):

(b) definition of “not available for immediate use.” Gear that is shown not to have been in recent use and that is stowed in conformance with one of the following methods is considered to be not available for immediate use:

(1) nets —

(i) below-deck stowage.

(a) the net is stored below the main working deck from which it is deployed and retrieved;

(b) the towing wires, including the leg wires, are detached from the net; and

(c) it is fan-folded (flaked) and bound around its circumference.

(ii) on-deck stowage.

(a) the net is fan-folded (flaked) and bound around its circumference;

(b) it is securely fastened to the deck or rail of the vessel; and

(c) the towing wires, including the leg wires, are detached from the net.

(iii) on-reel stowage.

(a) the net is on a reel, its entire surface is covered with canvas or other similar opaque material, and the canvas or other material is securely bound;

(b) the towing wires are detached from the net; and

(c) the codend is removed and stored below deck.

(iv) on-reel stowage for vessels transiting the Gulf of Maine rolling closure areas, the Georges Bank seasonal area closure, and the conditional Gulf of Maine rolling closure area.

(a) the net is on a reel, its entire surface is covered with canvas or other similar opaque material, and the canvas or other material is securely bound;

(b) the towing wires are detached from the doors; and

(c) no containment rope, codend tripping device, or other mechanism to close off the codend is attached to the codend

...

(5) other methods of stowage. Any other method of stowage authorized in writing by the Regional Administrator and subsequently published in the *Federal Register*.

2a. Mr. Odlin moved to amend and Mr. Dempsey seconded:

to remove (5) from the previous motion

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).

Rockhopper Gear Restricted Area

3. Mr. Stockwell moved on behalf of the committee:

that the Council send a letter to NMFS stating that the intent of the 12-inch rockhopper gear restriction was to apply only to groundfish vessels.

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

4. Mr. Stockwell moved and Ms. Tooley seconded:
that the Council write a letter to Secretary of Commerce Bryson requesting that he use his discretion to determine whether or not the reduction in annual catch limits on Georges Bank yellowtail flounder and GOM cod for 2012 and 2013 Georges Bank cod, GOM haddock, witch flounder and plaice warrants a declaration of disaster for the fishery. The Council will provide the Secretary with the analysis on economic impacts that is available.

The motion was **withdrawn** and remanded to the Executive Committee for further discussion.

5. Mr. Stockwell moved and Mr. Avila seconded:
that the Council requests that NMFS expedite analysis of the scallop sub-ACL usage with the goal of returning any unused Georges Bank yellowtail flounder to the groundfish fleet as soon as possible.
- 5a. Mr. Odlin moved to substitute and Mr. Avila seconded:
that the Council request NMFS create a Georges Bank yellowtail flounder working group including members from the TMGC committee and staff, groundfish and scallop committee and staff, groundfish and scallop industry reps and NMFS staff.

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

- 5b. Dr. Pierce moved to amend the substitute motion and Ms. Tooley seconded:
that the Council request NMFS create a Georges Bank yellowtail flounder working group including members from the TMGC committee and staff, groundfish and scallop committee and staff, groundfish and scallop industry reps and NMFS staff. The tasks of the working group will include expediting a transfer of the projected unused yellowtail flounder catch in the scallop fishery to the groundfish fishery and consider modification of the US/CA share of Georges Bank yellowtail flounder established through the understanding.

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

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

WHITING

6. Mr. Goethel moved on behalf of the committee:
to approve the following alternatives as final: Section 5.1.1 (overfishing definition for red hake, silver hake and offshore hake); Section 5.2.1.1 (specifications package); Section 5.2.2.3 (annual monitoring report NMFS to PDT) and Section 5.2.3.1 weekly VTR reporting.

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

7. Mr. Goethel moved on behalf of the committee:
to approve a stock-wide annual TAL for the southern area, with a quarterly cumulative (roll up) TAL that would kick in second year when landings are greater than 2/3rds of the TAL. This is the preferred alternative Section 5.5.3, including Section 5.5.4.2 (roll up TAL triggers).

- 7a. Mr. Goethel moved to amend and Ms. Tooley seconded:
to approve a stock-wide annual TAL for the southern area, with a quarterly cumulative (roll up) TAL that may be implemented after consultation with the Council in the second year when landings are greater than 2/3rds of the TAL. This is the preferred alternative Section 5.5.3, including Section 5.5.4.2 (roll up TAL triggers).

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

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

8. Mr. Goethel moved on behalf of the committee:
to approve Sections 5.6.1.3 (400 lbs.) for red hake and 5.6.2.3 (2,000 lbs.) for silver hake incidental possession limits for the southern stock area (applying to the Mid-Atlantic and Southern New England exemption areas as defined in existing regulations) as final alternatives.

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

9. Mr. Goethel moved on behalf of the committee:
to approve Section 5.7.2 with a year-round red hake possession limit of 5,000 lbs. for all gears and meshes (applying to the Mid-Atlantic and Southern New England exemption areas as defined in existing regulations).

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

10. Mr. Goethel moved on behalf of the committee:
to approve stock-wide annual TAL for red and silver hake in the northern area (Section 5.3.1); 400 lbs. red hake incidental possession limit (Section 5.4.1.3) and 2,000 lbs. silver hake incidental possession limit (Section 5.4.2.3) (applying to the Gulf of Maine exemption area as defined in existing regulations) as final.

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

11. Mr. Goethel moved on behalf of the committee:
to approve a 5,000 lbs. year-round red hake possession limit in the northern area (applying to the Gulf of Maine exemption area as defined in existing regulations) as a final alternative.

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

12. Mr. Goethel moved on behalf of the committee:
to approve reducing the incidental possession limit trigger as a post-season accountability measure (Section 5.8.2) as a final alternative (applying individually to managed stocks: northern red hake, southern red hake, northern silver hake and southern whiting).

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

13. Mr. Goethel moved and Mr. Blount seconded:
to submit Amendment 19 to NMFS for approval.

- 13a. Dr. Pierce moved to substitute and Mr. Avila seconded:
to add an alternative to increase the whiting possession limit in the Mid-Atlantic and Southern New England exemption areas from 30,000 to 40,000 lbs. and remand it to the committee for analysis and public comment.

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

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

HABITAT

14. Mr. Preble moved and Mr. Goethel seconded:
to initiate a plan amendment to protect deep-sea corals within the New England Council management boundary, with Alvin Canyon included with the New England zone.
- 14a. The motion was perfected to read:
to continue a plan amendment to protect deep-sea corals within the New England Council management boundary, with Alvin Canyon included with the New England zone.

- 14b. Mr. Grout requested moving the question.

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

The motion, as perfected, **carried** on a show of hands (11/0/3).

15. Mr. Preble moved and Mr. Goethel seconded:
to initiate the development of a memorandum of understanding with the Mid-Atlantic and South Atlantic Fishery Management Councils to coordinate broad scale deep-sea coral management measures.

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

Broad Zone

16. Mr. Preble moved on behalf of the committee:
to analyze three options for broad areas: 300m, 400m, 500m; with the options based on contours rather than straight lines.

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

17. Mr. Preble moved on behalf of the committee:
to analyze four options for broad coral zones: (1) prohibit use of bottom tending gear, (2) prohibit use of mobile bottom tending gear; (3) presuming prohibition options, to allow exploratory fishing in broad areas. Also, (4) to allow restrictions and prohibitions to be implemented via framework.

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

Discrete Zones

18. Mr. Preble moved on behalf of the committee:
to analyze the following options for discrete deep-sea coral zones: (1) PDT recommended C1/C2 canyons and slope areas (coral-data-based and suitable habitat inferred), (2) PDT recommended C2 canyons (suitable habitat inferred), (3) seamounts identified by PDT as discrete zones, (4) two GOM discrete areas recommended by PDT as discrete zones. The intent is that options could be selected individually or in combination. Boundaries of these areas will be developed based on criteria provided in a subsequent motion.

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

19. Mr. Preble moved on behalf of the committee:
that the area under consideration for Mt. Desert rock be the smaller federal waters area to the west, only.

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

20. Mr. Preble moved on behalf of the committee:
that for the western Jordan Basin area, limit consideration to the four discrete boxes (hatched on chart).

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

21. Mr. Preble moved on behalf of the committee:
that the Council accepts for further analysis the coordinates developed for the discrete seamount, canyon, and slope zones.

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

22. Mr. Preble moved on behalf of the committee:
to analyze four options for discrete zones: (1) prohibit use of bottom tending gear, (2) prohibit use of mobile bottom tending gear; (3) presuming prohibition options, to allow exploratory fishing in discrete areas. Also, (4) to allow restrictions and prohibitions to be implemented via framework.

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

Both Broad and Discrete Zones

23. Mr. Preble moved on behalf of the committee:
under coral zone restriction Option A: bottom-tending gears, formally adopt sub-Option A1: exempt the Red Crab fishery from coral zone restrictions.

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

24. Mr. Preble moved on behalf of the committee:
under the list of possible exemptions to fishing prohibitions, that the PDT provide a list of requirements for an exploratory fishing permit.

The motion **carried** on a show of hands (12/0/2).

25. Mr. Preble moved on behalf of the committee:
that Options A and B under the list of frameworkable provisions be included in the document.

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

26. Mr. Preble moved and Mr. Stockwell seconded:
that the Council approve the above range of alternatives for analysis in the omnibus habitat amendment.

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

SPINY DOGFISH

27. Mr. Grout moved and Mr. Blount seconded:
to approve the alternatives for Dogfish Amendment 3 that have been developed and communicated to the Council by the Amendment 3 FMAT.

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