

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Sheraton Harborside, Portsmouth, NH
January 25-27, 2011
Motions

Tuesday, January 25, 2011

HABITAT

1. Mr. Preble moved and Mr. Fair seconded:
that the Council initiate a concurrent groundfish action to eliminate the mortality closures with the habitat closures for the Georges Bank/SNE areas.
- 1a. Ms. Tooley moved and Mr. Stockwell seconded:
to table the previous motion.

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

2. Dr. Pierce moved and Mr. Preble seconded:
that a letter be drafted and sent to BOEMRE regarding its request for information related to a proposed wind energy siting area off Massachusetts. That letter will ask BOEMRE to: 1) detail the approach it used and the analyses it performed to identify its “areas of interest” and indicate how closely did it follow the approach used by the Commonwealth of Massachusetts 2009 ocean management plan to: (a) minimize conflicts with and impacts to existing uses and resources through application of exclusionary criteria to identify commercial-scale wind energy areas and (b) develop measures for reconciling use conflicts with fisheries; 2) describe its expectations/intent regarding commercial fishing in wind power sites; 3) explain the extent to which wind power siting off Southeastern Massachusetts is coordinated with national marine spatial planning initiatives and the degree to which that planning has been and will be transparent; 4) formally involve the Council in siting initiatives thereby benefiting from Council identification of EFH, knowledge of fisheries locations and the importance of those areas to the fishing industry and fishery management plan restrictions on fishing activity.
- 2a. Mr. Cunningham moved and Ms. Tooley seconded:
to move the previous question.

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

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

SKATES

3. Mr. Goethel moved on behalf of the committee:
that Framework Adjustment 1 include alternatives to increase the 500 lb. daily incidental possession limit to 750 or 1,250 lbs. (wing weight). The analysis would include options to lower the possession limit to the incidental level when 75% and 85% of the skate wing TAL is harvested.
- 3a. Mr. Goethel moved to amend and Ms. Tooley seconded:
that the incidental trip limit be 750 lbs. after the directed fishery is reached and with an 85% trigger.

3b. Mr. Odlin moved to amend and Mr. Gibson seconded:
that the incidental trip limit be 1,250 lbs. based on the difference between 8% and 21% discard reduction with an 85% trigger.

3c. The main motion, as amended, was voted:
that Framework Adjustment 1 increase the 500 lb. daily incidental possession limit to 1,250 lbs. (wing weight) and lower the possession limit to the incidental level when 85% of the skate wing TAL is harvested based on the difference between 8% and 21% discard reduction.

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

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

4. Mr. Goethel moved on behalf of the committee:
that the Council adopt as a final alternative a skate wing possession limit of 2,600 lbs. (Alternative 4) from May 1 to August 31, increasing to 4,100 lbs. (Alternative 2) on September 1.

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

5. Mr. Goethel moved on behalf of the committee:
to adopt as a final alternative Section 4.2.2.

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

6. Mr. Goethel moved and Mr. Alexander seconded:
to recommend that the Regional Administrator not invoke the accountability measures for exceeding the 2010 skate wing TAL.

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

7. Mr. Goethel moved and Mr. Stockwell seconded:
to forward Framework Adjustment 1 to NMFS for approval.

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

Wednesday, January 26, 2011

GROUND FISH

1. Mr. Cunningham moved and Mr. Stockwell seconded:
that the Council initiate Framework Adjustment 46 to the Multispecies FMP to address the herring fishery haddock catch cap.

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

2. Mr. Cunningham moved on behalf of the committee:
to recommend Framework Adjustment 46 have as objectives:
1. maximize the chance for Georges Bank (Area 3) herring TAC to be caught;
 2. provide incentive to fish offshore;
 3. provide incentives to fish in a manner and at times and in areas when and where haddock bycatch is none to low;
 4. to reduce the impact of a haddock cap on the entire herring fishery.

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

3. Mr. Cunningham moved on behalf of the committee:
as an option for Framework Adjustment 46, that the Council establish a haddock catch cap for the midwater trawl fleet of 1% of the Georges Bank haddock ABC and 1% of the Gulf of Maine haddock ABC and catch be estimated from sea sampling observations extrapolated to the entire fleet by area.

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

4. Mr. Cunningham moved on behalf of the committee:
as an option for Framework Adjustment 46, to incorporate herring fishery haddock catches into the other sub-components of the ACL and monitor for future changes.

The motion **carried** on a show of hands (12/3/2).

5. Mr. Cunningham moved on behalf of the committee:
as an option for Framework Adjustment 46, to adjust the existing cap by observer coverage applied to haddock stock area.

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

6. Mr. Grout moved and Mr. Goethel seconded:
to include an option in Framework Adjustment 46 for individual trip limits for midwater trawl vessels fishing in Area 3. Options for the trip limit could include, but not be limited to, bycatch amounts that exceeded the 90th and 99th percentile for this area and gear type using the observer data from 2005-2009.

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

7. Dr. Pierce moved and Mr. Libby seconded:
as an option for Framework Adjustment 46, that there be 100% observer coverage on midwater trawl vessels fishing in Area 3 during September and October when haddock catch can be high. This coverage will be funded by fishing vessels making trips in Area 3 at that time.

The motion was **ruled out of order** by the chair.

8. Mr. Goethel moved and Mr. Grout seconded:
to identify months and areas, of herring Area 3, where haddock interactions are likely and develop an option for closing the directed herring fishery in these areas during these periods.

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

HERRING

9. Mr. Goethel moved and Mr. Leary seconded:
to develop an alternative for the Category A and B permits and another alternative for the C and D permits.

- 9a. The motion was perfected to read:
to develop an analysis for the Category A and B permits and another analysis for the C and D permits.

- 9b. Mr. Grout moved to amend and Ms. Tooley seconded:
to develop an analysis for the Category A and B permits, another analysis for the C permits and a separate analysis for the D permits.

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

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

10. Ms. Tooley moved and Mr. Odlin seconded:
to delete Section 4.3.13 (catch deduction and possible trip termination for slippage events) from the Amendment 5 document.

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

11. Mr. Goethel moved and Mr. Stockwell seconded:
that the Council eliminate Section 5.0 (which includes Sections 5.3 and 5.4) from the Amendment 5 document.

- 11a. Ms. Tooley moved to amend and Mr. Cunningham seconded:
that the Council eliminate Section 5.0 (except for Section 5.4) from the Amendment 5 document.

The motion to amend **failed** on a show of hands (7/9/1).

The main motion **failed** on a show of hands (8/8/1).

12. Mr. Stockwell moved and Mr. Libby seconded:
to replace Section 5.0 with a requirement for dealers to weigh all fish. For those dealers who can demonstrate that it is unfeasible to weigh the fish, an exemption may be approved by the Council. The committee and PDT will further develop these measures.

- 12a. The motion was perfected to read:
to replace Section 5.0 with a requirement for dealers to accurately weigh all fish. For those dealers who can demonstrate that it is unfeasible to weigh the fish, an exemption will be approved by the Council.

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

13. Mr. Grout moved but it was not seconded:
to remove the 2nd sub-option under Section 10.2 that requires dealers to pay for the portside element of the catch monitoring program.

The motion was **withdrawn**.

14. Mr. Fair moved and Mr. Cunningham seconded:
that any reference in the Amendment 5 document to a section of the CFR means that section as it appears in the code when the document is accepted by the Council.

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

15. Dr. Pierce moved and Mr. Avila seconded:
to remove from consideration the move-along rule option (Section 6.2.2.4).

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

16. Mr. Odlin moved and Mr. Goethel seconded:
to recommend a mechanism for Category A, B and C permits to declare out of the herring fishery for periods of time as an option for the river herring protection alternative.

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

17. Ms. Tooley moved and Mr. Odlin seconded:
to delete Section 6.5 (river herring catch caps) from the Amendment 5 document.

- 17a. Ms. McGee moved to substitute and Mr. Libby seconded:
to replace Section 6.5 with the following language: “that the Council will consider establishing a river herring bycatch cap through a framework after the ASMFC completes its stock assessment as one of several potential measures to reduce bycatch.”

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

- 17b. Ms. McGee moved to amend the substitute motion and Mr. Preble seconded:
to add the following language as an additional alternative: “that the Council will consider establishing a river herring bycatch cap through a framework after the ASMFC completes its stock assessment as one of several potential measures to reduce bycatch.”

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

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

Thursday, January 27, 2011**HERRING** *(continued from previous day)*

18. Mr. Blount moved and Mr. Avila seconded:
that an option be included for a river herring catch cap for Cape Cod 400 lbs., Gulf of Maine 281,000 lbs. and Southern New England 953,200 lbs.
- 18a. The motion was perfected to read:
that an option be included for a river herring catch cap based on the highest estimate of removals for Cape Cod (1,159.7), Gulf of Maine (294) and Southern New England (729.5) from table 4 (pg 9) of the herring PDT catch cap discussion paper (numbers are in thousands of pounds).
- 18b. Mr. Goethel moved to amend and Mr. Alexander seconded:
that there would be 2 options once the cap is reached: 1) the hot spots in the affected stock area is closed and 2) fishing in hot spots in the affected areas are 100% monitored.
- The motion to amend **carried** on a show of hands (11/3/1).
- 18c. Mr. Grout moved to amend and Mr. Preble seconded:
that there would be 2 options once the trigger is reached: 1) the hot spots in the affected stock area are closed and 2) fishing in hot spots in the affected areas are 100% monitored.
- The motion to amend **carried** on a show of hands (12/2/0).
- 18d. Mr. Alexander moved to amend and Mr. Fair seconded:
that there be 3 catch trigger alternatives: 1) the maximum, 2) the average and 3) the median for 2005-2009 area specific catch estimate.
- The motion to amend **carried** on a show of hands (14/1/0).
- 18e. The main motion as amended was voted:
that an option be included for a river herring catch trigger. That there be 3 catch trigger alternatives: 1) the maximum, 2) the average and 3) the median for 2005-2009 area specific catch estimate. Also, that there would be 2 options once the trigger is reached: 1) the hot spots in the affected stock area are closed and 2) fishing in hot spots in the affected areas are 100% monitored.
- The main motion, as amended, **carried** on a show of hands (13/2/0).
19. Mr. Goethel moved and Mr. Fair seconded:
to have the measures to address groundfish closed areas apply to midwater trawls both single and paired.
- The motion **carried** unanimously on a show of hands (15/0/0).
20. Mr. Stockwell moved and Mr. Cunningham seconded:
to remove Section 8.0 (measures to protect spawning fish) from the Amendment 5 document.
- The motion **carried** unanimously on a show of hands (15/0/0).

21. Mr. Grout moved and Mr. Avila seconded:
to move forward with the development of a draft EIS for Amendment 5.

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

GROUND FISH

1. Mr. Cunningham moved on behalf of the committee:
that the Council approve Amendment 17 for public review.

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

2. Mr. Stockwell moved and Mr. Libby seconded:
to direct the staff to prepare a socio-economic analysis of state permit bank impacts on groundfish catch share programs.

- 2a. The motion was perfected to read:
to direct the staff to prepare a socio-economic analysis of state and private permit bank impacts on groundfish catch share programs.

- 2b. Mr. Goethel moved and Mr. Grout seconded:
to table the previous motion to a time certain.

The motion to table **carried** on a show of hands (12/2/1).

3. Mr. Cunningham moved on behalf of the committee:
that the Council determines the degree to which the groundfish fleet has consolidated and fishing privileges have accumulated for individual permit holders under Amendment 16. The analysis would commence after one year of Amendment 16 implementation. Continued scoping on accumulation limits will occur after the Council receives the requested report.

- 3a. Mr. Cunningham moved to amend and Mr. Odlin seconded:
that the Council determines the degree to which the groundfish fleet has consolidated and fishing privileges have accumulated for individual permit holders under Amendment 16 and to include the social and economic impacts of permit banks. The analysis would commence after one year of Amendment 16 implementation. Continued scoping on accumulation limits will occur after the council receives the requested report.

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

- 3b. Ms. McGee moved and Mr. Grout seconded:
to split the previous motion.

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

- 3c. The main motion as amended:
that the Council determines the degree to which the groundfish fleet has consolidated and fishing privileges have accumulated for individual permit holders under Amendment 16 and to include the social and economic impacts of permit banks. The analysis would commence after one year of Amendment 16 implementation. Continued scoping on accumulation limits will occur after the council receives the requested report.

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

4. Mr. Cunningham moved and Mr. Stockwell seconded:
to return tabled motion #2a back to the Council for discussion.

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

- 4a. Mr. Cunningham moved and Mr. Goethel seconded:
to table motion #2a indefinitely.

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

5. Mr. Preble moved and Mr. Stockwell seconded:
to return tabled motion #1 back to the Council for discussion.

- 5a. The tabled motion:
that the Council initiate a concurrent groundfish action to eliminate the mortality closures with the habitat closures for the Georges Bank/SNE areas.

- 5b. Mr. Grout moved to substitute and Mr. Preble seconded:
the Habitat Committee is considering options to modify the habitat closed areas in Georges Bank/SNE based on information provided in the SASI model. Given that the groundfish fishery is now managed with annual catch limit and accountability measures under Amendment 16, it is the Council's intent to prioritize a groundfish management action in the near future that would eliminate or modify the groundfish mortality closures in the Georges Bank/SNE area.

- 5c. Mr. Leary moved to amend the substitute and Mr. Odlin seconded:
the Habitat Committee is considering options to modify the habitat closed areas in Georges Bank/SNE based on information provided in the SASI model. Given that the groundfish fishery is now managed with annual catch limit and accountability measures under Amendment 16, it is the Council's intent to prioritize a groundfish management action in the near future that would eliminate or modify the groundfish mortality closures.

- 5d. Dr. Pierce moved and Mr. Cunningham seconded:
to postpone consideration of the previous motion until the April Council meeting.

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

6. Mr. Goethel moved and Mr. Grout seconded:
request that NMFS publish in the *Federal Register* as soon as possible a control date to establish accumulation limits in the groundfish fishery.

The motion **carried** on a show of hands (9/4/1).

7. Dr. Pierce moved and Mr. Goethel seconded:
in keeping with NMFS Director Eric Schwaab's suggestion to Chairman Pappalardo, the MFI "Report on Scientific and Economic Information that Supports Increases in Multispecies Groundfish Annual Catch Limits" be forwarded to the SSC for a review of the reports: (1) Scientific Basis for Increased ACLs Including the Effect of Direct Estimates of F_{msy} , Instead of Proxy Values on OFL Projections and ABC Recommendations for 2012-2013 Groundfish Specifications and (2) Assumptions and Conclusions about Economic Impacts.

- 7a. Mr. Preble moved to amend and Mr. Libby seconded:
in keeping with NMFS Director Eric Schwaab's suggestion to Chairman Pappalardo, the MFI "Report on Scientific and Economic Information that Supports Increases in Multispecies Groundfish Annual Catch Limits" be forwarded to the SSC for a review of the report.

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

- 7b. Dr. Pierce moved to amend and Mr. Goethel seconded:
in keeping with NMFS Director Eric Schwaab's suggestion to Chairman Pappalardo, the MFI "Report on Scientific and Economic Information that Supports Increases in Multispecies Groundfish Annual Catch Limits" be forwarded to the SSC for a review of the report: "Scientific Basis for Increased ACLs and Assumptions and Conclusions about Economic Impacts".

The motion to amend **failed** on a show of hands (4/10/0).

- 7c. The main motion as amended was voted:
in keeping with NMFS Director Eric Schwaab's suggestion to Chairman Pappalardo, the MFI "Report on Scientific and Economic Information that Supports Increases in Multispecies Groundfish Annual Catch Limits" be forwarded to the SSC for a review of the report.

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

8. Dr. Pierce moved and Mr. Goethel seconded:
to re-establish sector ACE trading information on the NMFS Northeast Multispecies (groundfish) monitoring reports webpage, including within year information (poundage and price paid) detailing ace held and transferred between sectors.

The motion was **withdrawn** without objection.

SCALLOPS

9. Dr. Pierce moved and Mr. Cunningham seconded:
that the Council initiate Framework Adjustment 23 to the Sea Scallop FMP.

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

10. Dr. Pierce moved and Mr. Stockwell seconded:
to include an additional issue to consider in Framework Adjustment 23: develop alternatives to modify the current VMS regulations to improve scallop fleet operations (e.g. how days-at-sea are charged and how a vessel declares into the fishery).

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

MONKFISH

11. Mr. Stockwell moved and Mr. Leary seconded:
to submit monkfish Framework Adjustment 7 with the preferred alternatives for biomass reference points (Alternative 2), Northern Management Area act (Alternative 3, Option 3, 6,567 mt), and specifications (Alternative 3, Option 3C, 40 DAS, 1,250 lbs. and 600 lbs. tail weight per DAS for permit categories A and C and B and D, respectively).

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

EXECUTIVE SESSION

12. Mr. Stockwell moved and Mr. Cunningham seconded:
that the Council approve the revised SOPPs as discussed at the January Council meeting.

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

13. Mr. Stockwell moved and Mr. Cunningham seconded:
that the Council approve the revised advisory panel policy stating that no proxies are allowed for advisory panel members.

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

14. Mr. Stockwell moved and Mr. Cunningham seconded:
that the Council approve the revised election process policy as discussed at the January Council meeting.

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