

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Holiday Inn by the Bay, Portland, ME
June 22-25, 2009
Motions

Monday, June 22, 2009

1. Mr. Preble moved and Mr. Goethel seconded:
to change the language in the Travel Authorization and Reimbursement policy as noted below:
General limitations – unless otherwise authorized, travel will be reimbursed based on the traveler's primary residence or primary place of employment. Reimbursements are limited to amounts reasonably necessary for the conduct of travel in connection with Council business. Travel must be undertaken using the least expensive means of transportation practicable and appropriate to the nature and purpose of the travel. If an individual elects to use a more expensive mode of transportation, reimbursement will be limited to the least expensive transportation and the traveler will be responsible for the difference.

The motion **carried** unanimously (14/0/0).

HABITAT

2. Mr. Preble moved and Mr. Goethel seconded:
that the Council direct the Habitat/MPA/Ecosystems committee to begin drafting a proposal for an ecosystem based FMP as soon as practicable.

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

INTERSPECIES

3. Mr. Preble moved and Mr. Avila seconded:
that the Council direct the Interspecies committee to draft a proposal for a unified policy on catch share management in all fisheries managed by the NEFMC.
 - 3a. The motion was perfected to read:
that the Council direct the Interspecies Committee to draft a proposal for a unified policy on catch share management in all fisheries managed by the NEFMC and all fisheries managed in conjunction with the MAFMC.
- The motion, as perfected, **carried** on a show of hands (15/0/2).
4. Mr. Preble moved and Mr. Grout seconded:
that the Council direct the Interspecies Committee to draft a proposal to combine and consolidate, to the extent possible, all current FMPs.

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

Tuesday, June 23, 2009

HERRING

1. Mr. Blount moved on behalf of the committee:
that the Council adopt for the range of ACL alternatives in Amendment 4, ACL Alternative 1 and Alternative 2, and Options 1 and 2 (for fishery specifications).

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

2. Mr. Blount moved on behalf of the committee:
that the Council adopt AM Alternatives 1 and 2 for consideration in Amendment 4 – for AM Alternative 2, the Council should adopt Options 3A and 4 (as modified by the committee and reflected in the Amendment 4 discussion document).

- 2a. Ms. McGee moved to amend and Ms. Kurkul seconded:
that the Council adopt AM Alternatives 1 and 2 for consideration in Amendment 4 – for AM Alternative 2, the Council should adopt Options 3A and 4 (as modified by the committee and reflected in the Amendment 4 discussion document) and to also include Alternative 2, Option 1.

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

- 2b. The main motion as amended was voted:
that the Council adopt AM Alternatives 1 and 2 for consideration in Amendment 4 – for AM Alternative 2, the Council should adopt Options 3A and 4 (as modified by the committee and reflected in the Amendment 4 discussion document) and to also include Alternative 2, Option 1.

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

3. Mr. Blount moved on behalf of the committee:
that Amendment 4 be split to address the ACL/AM provisions only, and that the remaining measures (catch monitoring, river herring bycatch, mackerel, and the groundfish closed areas) be incorporated into Amendment 5, and that the time period is as outlined in the draft strawman document dated February 3, 2009. Only the remainder of the Amendment 4 work would be considered in Amendment 5.

- 3a. Mr. Blount moved to amend and Mr. Stockwell seconded:
that Amendment 4 be split to address the ACL/AM provisions only, and that the remaining measures (catch monitoring, river herring bycatch, mackerel, and the groundfish closed areas) be incorporated into Amendment 5, and that the time period is as outlined in the draft strawman document dated June 9, 2009. Only the remainder of the amendment 4 work would be considered in Amendment 5.

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

- 3b. Ms. McGee moved to amend and Dr. Pierce seconded:
to strike river herring bycatch from the motion.

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

- 3c. Dr. Pierce moved to amend and Ms. McGee seconded:
that Amendment 4 be split to address the ACL/AM provisions and the groundfish closed areas.

The motion to amend **failed** on a show of hands (4/11/2).

- 3d. The main motion as amended was voted:
that Amendment 4 be split to address the ACL/AM provisions only, and that the remaining measures (catch monitoring, river herring bycatch, mackerel, and the groundfish closed areas) be incorporated into Amendment 5, and that the time period is as outlined in the draft strawman document dated June 9, 2009. Only the remainder of the Amendment 4 work would be considered in Amendment 5.

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

4. Dr. Pierce moved and Mr. Preble seconded:
recognizing the ASMFC request that the Secretary of Commerce support ASMFC efforts to improve management of anadromous fishes, pursuant to Section 402.A.1 for the Magnuson-Sevens Act, the Council requests the Secretary of Commerce provide additional resources for acquiring improved info throughout the range of shad and river herring bycatch in small mesh fisheries through bycatch monitoring.

- 4a. The motion was perfected to read:
recognizing the ASMFC request that the Secretary of Commerce support ASMFC efforts to improve management of anadromous fishes, the Council requests, pursuant to Section 402.A.1 for the Magnuson-Stevens Act, the Secretary of Commerce provide additional resources for acquiring improved info throughout the range of shad and river herring bycatch in small mesh fisheries through bycatch monitoring.

- 4b. The motion was further perfected to read:
recognizing the ASMFC request that the Secretary of Commerce support ASMFC efforts to improve management of anadromous fishes, the Council requests, pursuant to Section 402.A.1 for the Magnuson-Stevens Act, the Secretary of Commerce undertake an additional information collection program to acquire improved bycatch information throughout the range of shad and river herring in small mesh fisheries through bycatch monitoring.

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

5. Ms. McGee moved and Mr. Stockwell seconded:
to direct the Herring Committee to continue to develop at least three comprehensive monitoring alternatives by the September Council meeting. Each alternative will include measures for at-sea and dockside monitoring as well as options describing costs and funding for monitoring. The committee will also complete development of alternatives that can be incorporated into any catch monitoring alternative (3.3). To accomplish this, the committee will meet at least three times in order to dedicate sufficient time to each of the catch monitoring alternatives.

- 5a. The motion was perfected to read:
to direct the Herring Committee to continue to develop at least three comprehensive monitoring alternatives by the November Council meeting. Each alternative will include measures for at-sea and dockside monitoring as well as options describing costs and funding for monitoring. The committee will also complete development of alternatives that can be incorporated into any catch monitoring alternative (3.3). To accomplish this, the committee will meet at least three times in order to dedicate sufficient time to each of the catch monitoring alternatives.

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

Wednesday, June 24, 2009

GROUND FISH

Status determination criteria/Section 4.2.1 and Revised rebuilding strategies/Section 4.2.2

1. Mr. Cunningham moves on behalf of the committee:
that the Council adopts the following options for Amendment 16 Sections 4.2.1 and 4.2.2:
- Section 4.2.1.2, Option 2 (revised status determination criteria);
 - Section 4.2.2, Option 2 (revised mortality targets for rebuilding programs);
 - pollock rebuilding period Option 2: rebuild by 2017.
- 1a. Ms. Kurkul moved to amend and Ms. McGee seconded:
to strike the language in Section 4.2.2.2.1 concerning international fishing for pollock.

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

- 1b. The main motion as amended was voted:
that the Council adopts the following options for Amendment 16 Sections 4.2.1 and 4.2.2:
- Section 4.2.1.2, Option 2 (revised status determination criteria);
 - Section 4.2.2, Option 2 (revised mortality targets for rebuilding programs);
 - pollock rebuilding period Option 2: rebuild by 2017
 - to strike the language in Section 4.2.2.2.1 concerning international fishing for pollock

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

Annual catch limits/Section 4.3.1

2. Mr. Cunningham moves on behalf of the committee:
that the Council adopts Section 4.3.1.2 (Annual Catch Limits), but that the submission date of the ACL action be revised from December 15 to December 1.

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

Sector administration/Section 4.3.3

Sector definition/formation of a sector/Section 4.3.3.1

3. Mr. Cunningham moves on behalf of the committee:
for Section 4.3.3.1, that the Council adopt:
- the revised definition of a sector and Option 2 (permits in the CPH categories do not need to be reactivated to join a sector);
 - provision be made in the definition of a sector for monkfish limited access permits to be allowed to join groundfish sectors as specified by the monkfish FMP or future Council action and to exempt vessels in a sector from multispecies days-at-sea (DAS) reductions;
 - the Council also adopts Option 2 for additional sector operations plan requirements (Section 4.3.3.2.2).

- 3a. Ms. Tooley moved to amend and Mr. Odlin seconded:
that in Section 4.3.3.2.2, to strike the requirement for sector applicants to prepare a NEPA document.

The motion was **withdrawn**.

- 3b. Mr. Cunningham moved to amend and Mr. Preble seconded:
that a sector will be defined as 3 or more persons, none of whom have ownership interests in at least two other persons' vessels in that sector. The Council will defer to NMFS on how to administer this provision.

The motion to amend **carried** on a show of hands (10/6/1).

- 3c. Ms. McGee moved to amend and Mr. Rice seconded:
to allow handgear B permits to join a sector subject to all requirements of sector participation.

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

- 3d. The main motion, as amended, was voted:
for Section 4.3.3.1, that the Council adopt:
- the revised definition of a sector and Option 2 (permits in the CPH categories do not need to be reactivated to join a sector);
 - provision be made in the definition of a sector for monkfish limited access permits to be allowed to join a groundfish sector as specified by the monkfish FMP or future Council action and may exempt vessels in a sector from multispecies DAS reductions;
 - the Council also adopts Option 2 for additional sector operations plan requirements (Section 4.3.3.2.2);
 - that a sector will be defined as 3 or more persons, none of whom have ownership interests in at least two other persons' vessels in that sector. The Council will defer to NMFS on how to administer this provision.

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

4. Dr. Pierce moved and Mr. Gibson seconded:
that sector operations plans must be reviewed and approved by the NEFMC as well as NMFS.

The motion **failed** on a show of hands (4/13/0).

5. Dr. Pierce moved and Mr. Grout seconded:
that future operations plans must be reviewed and approved by the NEFMC as well as NMFS.

The motion **failed** on a show of hands (5/12/0).

6. Dr. Pierce moved and Mr. Fair seconded:
that sectors must submit preliminary operations plans to the NEFMC for review and approval. NMFS must consult with the Council and solicit public comment on the operations plans consistent with the Administrative Procedures Act.

The motion was **withdrawn**.

Allocation of resources/Section 4.3.3.3

7. Mr. Cunningham moves on behalf of the committee:
that the Council approve:
- Section 4.3.3.3.1 (revised allocation of resource guidelines);
 - the Council adds SNE/MA winter flounder and Atlantic wolffish (if added to the management unit) to the list of stocks not allocated, but allocation of the SNE/MA winter flounder stock can be considered in the biennial specification/framework process in the event that a future assessment indicates annual catch entitlement (ACE) can be made available;
 - Section 4.3.3.3.2, Option 1 and sub-Option 1 (for the treatment of sector overages);
 - Section 4.3.3.3.3, Option 2 for US/CA area allocations (separate allocations).

- 7a. Mr. Odlin moved to amend and Mr. Gibson seconded:
that when ACE becomes available for SNE/MA winter flounder, that the allocation of this stock will use the same criteria as all the other multispecies stocks allocated.

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

- 7b. Dr. Pierce moved to amend and Mr. Fair seconded:
to retain the 20% cap on Total Allowable Catch shares established in Amendment 13.

[Note: As used in this motion, Total Allowable Catch means the Annual Catch Entitlement allocated to a sector.]

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

- 7c. The main motion, as amended, was voted:
that the Council approve:
- Section 4.3.3.3.1 (revised allocation of resource guidelines);
 - the Council adds SNE/MA winter flounder and Atlantic wolffish (if added to the management unit) to the list of stocks not allocated, but allocation of the SNE/MA winter flounder stock can be considered in the biennial specification/framework process in the event that a future assessment indicates annual catch entitlement (ACE) can be made available;
 - Section 4.3.3.3.2, Option 1 and sub-Option 1 (for the treatment of sector overages);
 - Section 4.3.3.3.3, Option 2 for US/CA area allocations (separate allocations);
 - that when ACE becomes available for SNE/MA winter flounder, that the allocation of this stock will use the same criteria as all the other multispecies stocks allocated.

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

Sector baseline calculations/Section 4.3.3.3.4

8. Mr. Cunningham moves on behalf of the committee:
that the Council approve PSC Options 1 (FY1996-2007, note modified year) and 5 combined (Section 4.3.3.3.4).

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

9. Mr. Stockwell moved and Mr. Preble seconded:
that the Council approve PSC Options 1 (with the FY1996-2006 timeline) and 5 combined.

- 9a. Mr. Goethel moved to amend and Mr. Avila seconded:
that the Council approve PSC Option 1 (with the FY1996-2006 timeline).

- 9b. Dr. Pierce moved to substitute and Mr. Gibson seconded:
that the Council approve PSC Options 2 and 5.

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

- 9c. The motion to amend was voted:
that the Council approve PSC Option 1 (with the FY1996-2006 timeline).

The motion to amend **failed** on a show of hands (2/14/1).

- 9d. Mr. Alexander moved and Mr. Avila seconded:
to split the motion.

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

- 9e. The main motion was voted:
that the Council approve PSC Options 1 (with the FY1996-2006 timeline) and 5 combined.

Yes – Avila, Blount, Cunningham, Fair, Leary, McGee, Stockwell, Grout, Odlin, Preble, Rice, Tooley

No – Pierce, Alexander, Gibson, Goethel

Abstention(s) – Kurkul

The motion **carried** on a roll call vote (12/4/1).

Mortality controls/Section 4.3.3.4 and Enforcement/Section 4.3.3.5.3

10. Mr. Cunningham moves on behalf of the committee:
that the Council approve:
- Section 4.3.3.4, Option 1 (revised mortality controls), to include SNE/MA winter flounder as a stock with landings prohibited;
- Section 4.3.3.5.3, Option 2 (monitoring and enforcement: sector joint liability).

- 10a. Dr. Pierce moved to amend and Mr. Stockwell seconded:
that Option 3 in the enforcement section be included.

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

- 10b. The main motion, as amended, was voted:
that the Council approve:
- Section 4.3.3.4, Option 1 (revised mortality controls), to include SNE/MA winter flounder as a stock with landings prohibited;
- Section 4.3.3.5.3, Options 2 and 3 (monitoring and enforcement, sector joint liability).

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

Sector monitoring requirements/Section 4.3.3.5.4

11. Mr. Cunningham moves on behalf of the committee:
that the Council approve:
- for dockside monitoring: Option 2 (100% dockside monitoring required for all sector vessels);
- for at-sea monitoring, Option 1 (less than 100% at-sea electronic monitoring and at-sea observations);
- for the discard rate calculation, Option 2 (sector specific discard rate), and the revisions to the assumed discard rate language that are in the letter to the Council from the Regional Administrator dated June 10, 2009.
- 11a. Ms. Tooley moved to amend and Mr. Goethel seconded:
that dockside monitoring Option 1 (less than 100% dockside monitoring and dealer reports) be required.
- 11b. Mr. Grout moved to substitute and Mr. Rice seconded:
that for Option 1, require 50% random dockside monitoring in Year 1 (FY 2010) and 20% random dockside monitoring in subsequent years.

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

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

- 11c. Ms. McGee moved to substitute but it did not receive a second:
that the Council approve:
-Option 1 for dockside monitoring with 50% random dockside monitoring in Year 1 (FY 2010) and 20% random dockside monitoring in subsequent years;
-Option 2 for at-sea monitoring;
-for the discard rate calculation, Option 2 (sector specific discard rate), and the revisions to the assumed discard rate language that are in the letter to the Council from the Regional Administrator dated June 10, 2009.
- 11d. Dr. Pierce moved to amend and Ms. McGee seconded:
to select at-sea monitoring Option 1 with less than 100% electronic monitoring and 100% at-sea observation in 2011 and beyond.
- 11e. Mr. Preble moved to amend the amendment and Mr. Fair seconded:
that at-sea monitoring Option 2 with 100% electronic monitoring and/or at-sea observation will be required by 2011 and beyond.

The motion to amend the amendment (#11e) **failed** on a show of hands (3/13/1).

The motion to amend (#11d) **failed** on a show of hands (2/14/1).

- 11f. Mr. Goethel moved to amend and Mr. Rice seconded:
to use at-sea monitoring Option 1 (less than 100% at-sea electronic monitoring and at-sea observations) with levels of coverage to be set by the NEFSC.

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

- 11g. Mr. Odlin moved to amend and Mr. Goethel seconded:
that in the case when it can be extrapolated, the regulatory discards of legal size fish caused by trip limits be extrapolated out of the assumed discard rate.

- 11h. The motion to amend was perfected to read:
that in the calculation of discard rates, regulatory discards of legal size fish caused by trip limits will be excluded.

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

- 11i. The main motion, as amended, was voted:
that the Council approve:
- Option 1 for dockside monitoring with 50% random dockside monitoring in Year 1 (FY 2010) and 20% random dockside monitoring in subsequent years;
 - Option 1 for at-sea monitoring (less than 100% at-sea electronic monitoring and at-sea observations), with levels of coverage to be set by the NEFSC;
 - for the discard rate calculation, Option 2 (sector specific discard rate), and the revisions to the assumed discard rate language that are in the letter to the Council from the Regional Administrator dated June 10, 2009. Also, that in the calculation of discard rates, regulatory discards of legal size fish caused by trip limits be excluded.

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

12. Mr. Cunningham moved and Mr. Blount seconded:
that the Council accept Section 4.3.3.5.5 (standards for sector monitoring and reporting service providers).

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

Sector annual reports/Section 4.3.3.6

13. Mr. Cunningham moves on behalf of the committee:
that the Council adopt Option 1 for sector annual reports.

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

Transfer of ACE/Section 4.3.3.7

14. Mr. Cunningham moved and Mr. Preble seconded:
that the Council accept the provision on transfer of ACE (Section 4.3.3.7.2).

- 14a. Mr. Odlin moved to amend and Mr. Preble seconded:
to include in Section 4.3.3.7.2, "Upon implementation of Amendment 16 and continuing until modified by a future plan amendment, catch history resulting from transferred ACE will not accrue to the lessee permit or sector history."

- 14b. The motion was perfected to read:
that groundfish catch history is frozen in Amendment 16 until modified by a future action.

The motion to amend, as perfected, **carried** on a show of hands (15/2/0).

- 14c. The main motion as amended:
that the Council accept the provision on transfer of ACE (Section 4.3.3.7.2), and that groundfish catch history is frozen in Amendment 16 until modified by a future action.

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

Sectors and special management programs/Section 4.3.3.8

15. Mr. Cunningham moves on behalf of the committee:
that the Council approves:
- Section 4.3.3.8.2 (U.S./Canada Haddock SAP provisions);
 - Section 4.3.3.8.3 (Closed Area 2 Yellowtail Flounder SAP provisions: sectors subject to reporting requirements and gear requirements, and not subject to cod, haddock, or yellowtail flounder trip limits and limits on number or frequency of trips);
 - the Regional Administrator is provided the flexibility to remove sector vessel reporting requirements for the special management programs if found to be unnecessary.

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

Interaction with common pool vessels/Section 4.3.3.9

16. Mr. Cunningham moves on behalf of the committee:
that the Council adopt the following universal exemptions: trip limits on allocated stocks, seasonal closed areas, groundfish DAS restrictions, and allowing use of 6-inch codends on Georges Bank while using a haddock separator trawl or Ruhle trawl.
- 16a. Mr. Odlin moved to amend and Mr. Stockwell seconded:
to include as a universal exemption, that sectors can be exempt from rolling closures except for Blocks 124 and 125 in March; Blocks 131, 132 and 133 in April; Blocks 138, 139, 140 in May and Blocks 129, 145, 146, 147, 152 in June.
- 16b. The motion was perfected to read:
to include as a universal exemption, that sectors can be exempt from rolling closures except for blocks 124 and 125 in April; Blocks 131, 132 and 133 in May; and Blocks 138, 139, 140, 129, 145, 146, 147 and 152 in June.
- 16c. Mr. Goethel moved and it was seconded:
to table the previous motion.

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

Reporting requirements/Section 4.3.4

17. Mr. Cunningham moved on behalf of the committee:
that the Council adopt:
- Section 4.3.4.2 (area-specific reporting requirements);
 - Section 4.3.4.3 Option 3, Sub-Option 2 (to account for non-sector vessel discards).

- 17a. Mr. Grout moved and Mr. Avila seconded:
to split the previous motion.

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

- 17b. The 1st part of split motion:
that the Council adopt:
- Section 4.3.4.2 (area-specific reporting requirements).

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

- 17c. The 2nd part of split motion:
that the Council adopt:
- Section 4.3.4.3 Option 3, Sub-Option 2 (to account for non-sector vessel discards) with the revisions to the assumed discard rate language that are in the letter to the Council from the Regional Administrator dated June 10, 2009;
- that in the calculation of discard rates, regulatory discards of legal size fish caused by trip limits will be excluded.

- 17d. The motion was perfected to read:
that the Council adopt:
- Section 4.3.4.3 Option 3, Sub-Option 2 (to account for non-sector vessel discards) with the revisions to the assumed discard rate language that are in the letter to the Council from the Regional Administrator dated June 10, 2009.

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

Allocation to commercial/recreational fisheries/Section 4.3.5

18. Mr. Cunningham moves on behalf of the committee:
that the Council adopts Section 4.3.5.2, using years 2001 to 2006 as the baseline.

- 18a. Mr. Goethel moved to amend and Mr. Gibson seconded:
that the Council adopts Section 4.3.5.2, using years 1996 to 2006 as the baseline.

The motion to amend **failed** on a show of hands (6/10/1).

- 18b. The main motion was voted:
that the Council adopts Section 4.3.5.2, using years 2001 to 2006 as the baseline.

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

Thursday, July 25, 2009

GROUND FISH (*continued*)

Small mesh fishery gear requirements/Section 4.4.2.5

1. Mr. Odlin moved and Mr. Preble seconded:
that the Council expand the authority of the Regional Administrator to make gear adjustments based on scientific research in the SNE fisheries management area as it relates to bycatch of winter flounder.
- 1a. Dr. Pierce moved to amend and Mr. Gibson seconded:
that the Council expand the authority of the Regional Administrator to make gear adjustments based on scientific research in the SNE fisheries management area as it relates to bycatch of winter flounder and loss of catch of target species in small mesh fisheries.
- 1b. The motion to amend was perfected to read:
that the Council expand the authority of the Regional Administrator to make gear adjustments in the SNE fisheries management area, based on scientific research, as it relates to bycatch of winter flounder and loss of catch of target species in small mesh fisheries.

The motion to amend **failed** on a show of hands (5/10/1).

The main motion **failed** on a show of hands (7/8/2).

2. Dr. Pierce moved and Mr. Cunningham seconded:
that Section 4.4.2.5 be moved to the "considered but rejected" section of Amendment 16.

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

3. Mr. Cunningham moved and Mr. Goethel seconded:
that the Council modify Amendment 16 to fully describe the issues caused by the differences between the SSC's ABC control rule and the existing management plan. These differences will be resolved in a future action. The Council recognizes that the SSC will use their ABC control rule for setting groundfish ABCs.

- 3a. The motion was perfected to read:
that the Council modify Amendment 16 to incorporate the SSC's ABC control rule.

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

Haddock minimum size

4. Mr. Cunningham moves on behalf of the committee:
that the Council adopt Section 4.4.2.7.2 (reduction in haddock minimum size).

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

Atlantic wolffish/Section 4.3.2

5. Mr. Cunningham moves on behalf of the committee:
that the Council adopt:
- Section 4.3.2.1, adding Atlantic wolffish to the management unit;
 - Section 4.3.2.1, Option 2 for Atlantic wolffish EFH.

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

Changes to the DAS transfer and leasing program/Section 4.3.6

6. Mr. Cunningham moved on behalf of the committee:
that the Council adopt:
- Section 4.3.6.2, with Sub-Option A;
 - Section 4.3.6.5 (eligibility of CPH permits to participate in DAS leasing and transfer programs).
- 6a. Mr. Odlin moved to amend and Ms. Tooley seconded:
that the Council adopt:
- Section 4.3.6.2, with Sub-Option A;
 - Section 4.3.6.5 (eligibility of CPH permits to participate in DAS leasing and transfer programs);
 - removal of the cap on DAS leasing.

The motion to amend **carried** on a show of hands (11/6/0).

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

ENFORCEMENT

7. Mr. Avila moved and Mr. Goethel seconded:
that the Council send a letter to the Governor of Massachusetts regarding the joint enforcement agreement.

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

GROUND FISH (continued)

Commercial fishery measures/Section 4.4.2

8. Mr. Cunningham moves on behalf of the committee:
that the Council adopts Section 4.4.2.3, Option 3A (24-hour clock with trip limits).
- 8a. Ms. Kurkul moved to amend and Mr. Odlin seconded:
that the Council, in Section 4.4.2 (commercial fishery measures), prohibit the landing of ocean pout.

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

8b. Ms. Kurkul moved to amend and Mr. Odlin seconded:
that the five-point trawl, raised-footrope trawl and sink gillnets be removed from the list of authorized gear in SAPs and in gear restricted areas under Sections 4.3.7 and 4.4.7, respectively, and that these gears be considered for approval for use under the provisions proposed in Section 4.3.7.7.

8c. The motion to amend was perfected to read:
that the five-point trawl, raised-footrope trawl and sink gillnets with mesh smaller than 10” be removed from the list of authorized gear in SAPs and in gear restricted areas under Sections 4.3.7 and 4.4.7, respectively, and that these gears be considered for approval for use under the provisions proposed in Section 4.3.7.7.

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

8d. Ms. Kurkul moved to amend and Mr. Odlin seconded:
that the Council adopt the recommendations for additional restrictions on gear restricted areas, as proposed in the June 10, 2009 letter to the Council from the NMFS.

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

8e. Mr. Grout moved to substitute and Mr. Goethel seconded:
to adopt Option 2A (commercial fishery measures) with modification #2 from page 4 of the June 12 PDT report.

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

8f. The main motion, as amended, was voted:
- that the Council adopt Section 4.4.2.3, Option 3A (24-hour clock with trip limits);
- that in Section 4.4.2 (commercial fishery measures), prohibit the landings of ocean pout;
- that the five-point trawl, raised-footrope trawl and tie-down sink gillnets with mesh smaller than 10” be removed from the list of authorized gear in SAPs and in gear restricted areas under Sections 4.3.7 and 4.4.7, respectively, and that these gears be considered for approval for use under the provisions proposed in Section 4.3.7.7;
- that the Council adopt the recommendations for additional restrictions on gear restricted areas, as proposed in the June 10, 2009 letter to the Council from the NMFS.

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

Recreational measures/Section 4.4.3

9. Mr. Cunningham moves on behalf of the committee:
that the Council adopt:
- Section 4.4.3.1, Option 2 (fillets landed with skin on for identification purposes), but remove “fillets must meet minimum size limits” and replace with “fillets must be from legal sized fish”;
- Section 4.4.3.2, Option 2 (removal of limit on the number of hooks per line).

- 9a. Ms. Kurkul moved to amend and Mr. Avila seconded:
that under Section 4.4.3.1, to require that all groundfish species have at least two square inches of skin on the fillet.

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

- 9b. The main motion, as amended, was voted:
that the Council adopt:
- Section 4.4.3.1, Option 2 (fillets landed with skin on for identification purposes), but remove “fillets must meet minimum size limits” and replace with “fillets must be from legal sized fish”;
 - Section 4.4.3.2, Option 2 (removal of limit on the number of hooks per line);
 - that under Section 4.4.3.1, to require that all groundfish species have at least two square inches of skin on the fillet.

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

10. Mr. Cunningham moved and Mr. Blount seconded:
that the Council adopt Option 3 (as modified to meet the requirements of the SSC control rule) of Section 4.4.3.3.1 (a change in season for Gulf of Maine cod).

- 10a. Mr. Goethel moved and Mr. Avila seconded:
to table the previous motion to a time certain.

The motion to table **failed** on a show of hands (7/8/1).

- 10b. The main motion was voted:
that the Council adopt Option 3 (as modified to meet the requirements of the SSC control rule) of Section 4.4.3.3.1 (a change in season for Gulf of Maine cod).

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

Accountability measures/Section 4.4.7.1

11. Mr. Cunningham moves on behalf of the committee:
that the Council adopt Section 4.4.7.1.2: the differential DAS accountability measure for common pool vessels.
- 11a. Ms. McGee moved to amend and Ms. Kurkul seconded:
that the Council adopt Section 4.4.7.1.1 (common pool vessels accountability measure Option 1: hard TAC). Strike paragraph 1 under “catch monitoring for common pool hard TAC alternative AM” (page 166) and replace it with “monitoring requirements for common pool will be consistent with sector monitoring requirements.” These requirements are as follows:
- for dockside monitoring: require 50% random dockside monitoring in Year 1 (FY 2010) and 20% random dockside monitoring in subsequent years;
 - for at-sea monitoring: require less than 100% at-sea electronic monitoring and at-sea observations, with levels of coverage to be set by the NEFSC.
- 11b. Mr. Goethel moved to amend but it did not receive a second:
to remove the words “divided into trimesters” from Option 1.
- 11c. Mr. Stockwell moved to amend the amendment and Mr. Goethel seconded:

that the Council adopt Section 4.4.7.1.1 (common pool vessels accountability measure Option 1: hard TAC).

The motion to amend the amendment **failed** on a show of hands (8/8/1).

- 11d. The motion to amend was voted:
that the Council adopt Section 4.4.7.1.1 (common pool vessels accountability measure Option 1: hard TAC). Strike paragraph 1 under “catch monitoring for common pool hard TAC alternative AM” (page 166) and replace it with "monitoring requirements for common pool will be consistent with sector monitoring requirements." These requirements are as follows:
- for dockside monitoring: require 50% random dockside monitoring in Year 1 (FY 2010) and 20% random dockside monitoring in subsequent years;
- for at-sea monitoring: require less than 100% at-sea electronic monitoring and at-sea observations, with levels of coverage to be set by the NEFSC.

The motion **failed** on a roll call vote (8/9/0).

Yes – Blount, Cunningham, Gibson, Goethel, Kurkul, McGee, Preble, Stockwell,
No – Alexander, Avila, Fair, Grout, Leary, Odlin, Pierce, Rice, Tooley
Abstention(s) -

- 11e. Ms. Kurkul moved to amend and Mr. Preble seconded:
that in addition to implementation of Accountability Measure Option 2 in Year 1, that a hard TAC replace the differential DAS counting in Year 3 and that in Year 3, have Accountability Measure Option 1.
- 11f. Dr. Pierce moved to substitute and Mr. Alexander seconded:
that Accountability Measure Option 1 will be implemented in Year 3 if Accountability Measure Option 2, implemented in Years 1 and 2, fails to prevent ACLs from being exceeded.

The motion to substitute **failed** on a show of hands (3/14/0).

- 11g. Mr. Cunningham moved to amend the amendment and Mr. Grout seconded:
that in Year 3, dockside monitoring for the common pool will be 20% random to match the sector dockside monitoring requirements.

The motion to amend the amendment **carried** on a show of hands (12/5/0).

- 11h. The motion to amend:
that, in addition to implementation of Accountability Measure Option 2 in Year 1, a hard TAC will replace the differential DAS counting Accountability Measure in Year 3 and that, in Year 3, Accountability Measure Option 1 will go into effect. Also, that in Year 3, dockside monitoring for the common pool will be 20% random to match the sector dockside monitoring.

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

- 11i. The main motion, as amended, was voted:
that the Council adopt Section 4.4.7.1.2 (the differential DAS accountability measure for common pool vessels). Also that, in addition to implementation of Accountability Measure Option 2 in Year 1, a hard TAC will replace the differential DAS counting in Year 3 and that, in Year 3, Accountability Measure Option 1 will go into effect. Also, that in Year 3, dockside monitoring for the common pool will be 20% random to match the sector dockside monitoring.

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

12. Ms. McGee moved and Dr. Pierce seconded:
to include in Section 4.3.3.2.2 (additional requirements for sector operations plans) a requirement to include a list of all federal and state permits held by persons participating in the sector and whether those permits are enrolled in a sector or are fishing in the common pool.

The motion **carried** on a show of hands (11/4/2).

Accountability Measures/Section 4.4.7.1

13. Mr. Cunningham moved on behalf of the committee:
that the Council adopt Section 4.4.7.2.1, Option 1 (for recreational fishery AMs).
- 13a. Ms. Kurkul moved to substitute and Mr. Grout seconded:
that the Council adopt Section 4.4.7.2.3, Option 3 (for recreational fishery AMs).

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

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

14. Mr. Cunningham moved and Mr. Goethel seconded:
that the Council adopt Section 4.4.3.3.2 (reduction in haddock minimum size) for the recreational fishery to match the reduction in the commercial fishery.

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

Special management programs/Section 4.3.7

15. Mr. Cunningham moves on behalf of the committee:
that the Council adopt:
- Section 4.3.7.1, Option 1 (revised incidental catch TACs for the Category B DAS program);
 - Section 4.3.7.2.2 (expanded Closed Area 1 Hook Gear Haddock SAP), with coordinates the same as in the interim action;
 - Section 4.3.7.3.2 (Eastern U.S./Canada Haddock SAP reauthorization);
 - Section 4.3.7.4.2, Option 2 (changes to the Closed Area 2 Yellowtail Flounder SAP);
 - Section 4.3.7.5.2 Option 1, (SNE/MA Winter Flounder SAP suspension);
 - Section 4.3.7.6.2 (Category B program revisions);
 - Section 4.3.7.7.2 (Regional Administrator authority to approve additional gear).

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

GOM haddock sink gillnet pilot program/Section 4.4.2.6

16. Mr. Cunningham moves on behalf of the committee:
that the Council adopt Option 2 under Section 4.4.2.6.2.

- 16a. Ms. Kurkul moved to substitute and Mr. Avila seconded:
that the Council adopt Option 1 (no action) under Section 4.4.2.6.

The motion to substitute **failed** on a show of hands (7/9/0).

- 16b. The main motion was voted:
that the Council adopt Option 2 (no action) under Section 4.4.2.6.

The motion **carried** on a show of hands (11/6/0).

Periodic adjustment process/Section 4.3.8

17. Mr. Cunningham moves on behalf of the committee:
that the Council adopt Section 4.3.8.2, first sentence only (not including the sentence on non-technical members of the PDT).

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

Possession of a scallop/multispecies permit/Section 4.3.9

18. Mr. Cunningham moves on behalf of the committee:
that the Council adopt Section 4.3.9.2, Option 2 (allowing possession of a limited access scallop and multispecies permit on the same vessel).

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

Atlantic halibut minimum size/Section 4.4.4

19. Mr. Cunningham moved and Mr. Stockwell seconded:
that the Council adopt Option 2 (Section 4.4.4.2) for the 41” minimum size Atlantic halibut.

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

Retention of Atlantic wolffish/Section 4.4.5

20. Mr. Cunningham moves on behalf of the committee:
that the Council adopt Section 4.4.5.2 (prohibition of retention of Atlantic wolffish).

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

Implementation of Additional Sectors/Modifications to Existing Sectors/Section 4.4.6

21. Mr. Cunningham moved and Mr. Goethel seconded:
that the Council accept the following for inclusion/implementation in Amendment 16:
- Section 4.4.6.2 (modifications to the Georges Bank Cod Hook Sector)
- Section 4.4.6.3 (modifications to the Fixed Gear Sector)
- Section 4.4.6.4 – 4.4.6.20 (approval of new sectors)
[this motion includes the updates submitted by the sector managers]

- 21a. The motion was perfected to read:
that the Council accept the following for inclusion/implementation in Amendment 16:
- Section 4.4.6.2 (modifications to the Georges Bank Hook Sector)
- Section 4.4.6.3 (modifications to the Fixed Gear Sector)
- Section 4.4.6.4 – 4.4.6.20 (approval of new sectors)
- in Section 4.4.6.20, to change the title of the sector to “Northeast Coastal Communities Sector”
[this motion includes the updates submitted by the sector managers]

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

Interaction with common pool vessels/Section 4.3.3.9

22. Mr. Cunningham moved and Mr. Stockwell seconded:
to bring back the tabled motion to amend from the previous day.

that the Council adopt the following universal exemptions: trip limits on allocated stocks, seasonal closed areas, groundfish DAS restrictions, and allowing use of 6-inch codends on Georges Bank while using a haddock separator trawl or Ruhle trawl.

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

- 22a. Mr. Odlin moved to amend and Ms. Tooley seconded:
to include as a universal exemption, that sectors can be exempt from rolling closures except for:
Blocks 124 and 125 in April;
Blocks 132 and 133 in May;
Blocks 138, 139, 140 in June; and
Blocks 145, 146, 147, 152 in June

- 22b. Dr. Pierce moved to amend the amendment and Mr. Odlin seconded:
to include as a universal exemption, that sectors can be exempt from rolling closures except for:
Blocks 124 and 125 in April;
Blocks 132 and 133 in April-May;
Blocks 138, 139, 140 in May-June; and
Blocks 145, 146, 147, 152 in June

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

- 22c. Ms. McGee moved to amend and Mr. Preble seconded:
that the Council adopt the following universal exemptions:
- trip limits on allocated stocks
 - seasonal closed areas
 - groundfish DAS restrictions
 - allowing use of 6-inch codends on Georges Bank while using a haddock separator trawl or Ruhle trawl
 - that sectors can be exempt from rolling closures except for Blocks 124 and 125 in April; Blocks 132 and 133 in April-May; Blocks 138, 139, 140 in May-June; and Blocks 145, 146, 147, 152 in June. Also, that this rolling closure exemption will be effective for FY 2010 during which the Groundfish Advisory Panel and PDT will review and analyze the original rolling closures and determine which areas should remain closed to protect cod spawning aggregations. As a result of this analysis, with a favorable vote by the Council, the Regional Administrator may modify and renew the universal exemption to ensure protection of spawning aggregations.

- 22d. The motion to amend was perfected to read:
that the Council adopt the following universal exemptions:
- trip limits on allocated stocks
 - seasonal closed areas
 - groundfish DAS restrictions
 - allowing use of 6-inch codends on Georges Bank while using a haddock separator trawl or Ruhle trawl
 - that sectors can be exempt from rolling closures except for Blocks 124 and 125 in April; Blocks 132 and 133 in April-May; Blocks 138, 139, 140 in May-June; and Blocks 145, 146, 147, 152 in June. The PDT will review and analyze the existing rolling closures and determine which areas should remain closed to protect cod spawning aggregations. As a result of this analysis, any adjustments necessary to adequately protect concentrations of spawning cod would be adjusted in the biennial specification process.

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

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

- 22e. Mr. Odlin moved to amend and Ms. Tooley seconded:
that Block 138 be kept closed in May and not June; block 138 should be added to the universal exemptions for sectors in June.

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

- 22f. Dr. Pierce moved to amend and Mr. Avila seconded:
that common pool vessels in Year 3 will be given the same exemptions from rolling closures as sector vessels.

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

- 22g. The main motion as amended and perfected:
that the Council adopt the following universal exemptions:
- trip limits on allocated stocks
 - seasonal closed areas
 - groundfish DAS restrictions
 - allowing use of 6-inch codends on Georges Bank while using a haddock separator trawl or Ruhle trawl
 - that sectors are exempt from rolling closures except for Blocks 124 and 125 in April; Blocks 132 and 133 in April-May; Block 138 in May, Blocks 139, 140 in May-June; and Blocks 145, 146, 147, and 152 in June. The PDT will review and analyze the existing rolling closures and determine which areas should remain closed to protect cod spawning aggregations. As a result of this analysis, that any adjustments necessary to adequately protect concentrations of spawning cod would be adjusted in the biennial specs.

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

23. Mr. Cunningham moved and Mr. Avila seconded:
that the Council submit Amendment 16 to NMFS as amended June 24-25, 2009.

The motion **carried** on a roll call vote (14/1/1).

Yes – Avila, Blount, Cunningham, Pierce, Fair, McGee, Stockwell, Grout, Odlin, Preble, Rice, Alexander, Gibson, Tooley

No – Goethel

Abstention(s) – Kurkul

MONKFISH

24. Mr. Stockwell moved on behalf of the committee:
that the Council approve the range of alternatives as recommended by the oversight committee for further development and analysis in the DEIS for amendment 5 to the monkfish FMP.

- 24a. Dr. Pierce moved to amend and Mr. Goethel seconded:
that Amendment 5 not include the development of ITQ and/or sector management programs.

The motion to amend **failed** on a show of hands (4/12/0).

- 24b. The main motion was voted:
that the Council approve the range of alternatives as recommended by the oversight committee for further development and analysis in the DEIS for Amendment 5 to the monkfish FMP.

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