

**NEW ENGLAND FISHERY MANAGEMENT COUNCIL**  
**Hyatt Regency Goat Island, Newport, RI**  
**November 17-19, 2009**  
**Motions**

**Tuesday, November 17, 2009**

**PRIORITIES**

1. Mr. Odlin moved and Mr. Preble seconded:  
to put above the line, a joint scallop/groundfish action for the specific purpose of addressing the yellowtail flounder issue and come up with the necessary action to allow groundfish sectors to transfer yellowtail flounder ACE to newly formed scallop/yellowtail flounder bycatch sectors.

1a. Mr. Cunningham moved to amend and Mr. Alexander seconded:  
to put above the line, a joint scallop/groundfish action for the specific purpose of addressing the yellowtail flounder issue and come up with the necessary action to allow groundfish sectors to transfer yellowtail flounder ACE to newly formed scallop/yellowtail flounder bycatch sectors or other catch share mechanisms.

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

1b. The motion, as amended, was perfected to read:  
to put above the line, a joint scallop/groundfish action for the specific purpose of addressing the yellowtail flounder issue and come up with the necessary action to allow groundfish sectors to transfer yellowtail flounder ACE to allow the formation of scallop/yellowtail flounder bycatch sectors or other catch share mechanisms.

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

2. Mr. Cunningham moved and Mr. Stockwell seconded:  
that the Council accept the draft priorities for 2010 as amended this date.

2a. Mr. Grout moved to amend and Ms. Tooley seconded:  
that the annual catch limit/accountability measures specifications committee be given the latitude to develop limited access for the small mesh multispecies fishery if they so desire.

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

2b. The main motion was voted:  
that the Council accept the draft priorities for 2010 as amended this date.

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

**SSC**

3. Ms. Tooley moved and Mr. Odlin seconded:  
that the Council set the ABC for the Atlantic herring fishery at a 5-year recent average catch (2004-2008) at 108,000 mt.

- 3a. Mr. Grout moved to substitute and Ms. Tooley seconded:  
that the Council set the ABC for the Atlantic herring fishery at a 3-year recent average catch (2006-2008) at 106,000 mt.

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

- 3b. Ms. McGee moved to substitute and Mr. Alexander seconded:  
that the Council set the ABC for the Atlantic herring fishery based on the most recent year at 90,000 mt.

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

- 3c. The substitute motion was voted:  
that the council set the ABC for the Atlantic herring fishery at a 3-year recent average catch (2006-2008) at 106,000 mt.

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

4. Mr. Grout moved and Mr. Leary seconded:  
to reconsider the previous motion.

The motion to reconsider **carried** on a show of hands (10/7/0).

- 4a. Mr. Grout moved to amend and Mr. Goethel seconded:  
that the Council set the ABC for the Atlantic herring fishery at a 3-year recent average catch (2006-2008) at 106,000 mt in 2010. Also, that the ABC is reduced by the same percentage that the OFL is reduced by in 2011 and 2012.

The motion to amend **failed** on a show of hands (8/9/0).

- 4b. The main motion, as perfected, was voted:  
that the Council set the ABC for the Atlantic herring fishery at a 3-year recent average catch (2006-2008) at 106,000 mt for the years 2010-2012.

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

## **HERRING**

5. Mr. Blount moved on behalf of the committee:  
to recommend Alternative 2, Option 2A for the 2010-2012 specifications

2010-2012 TACs (mt)

Area 1A – 26,546

Area 1B – 4,362

Area 2 – 22,146

Area 3 – 22,146

Total – 75,200

Management uncertainty – 14,800

ABC – 106,000

- 5a. Mr. Stockwell moved to amend and Mr. Goethel seconded:  
to recommend Alternative 2, Option 2A for the 2010-2012 specifications  
2010-2012 TACs (mt)  
Area 1A – 26,546  
Area 1B – 4,362  
Area 2 – 22,146  
Area 3 – 22,146  
Total – 75,200  
Management uncertainty – 14,800  
ABC – 106,000  
and that the additional 16,000 mt ABC be incorporated into Area 3.

The motion to amend **carried** unanimously on a show of hands with one recusal, Ms. Tooley (16/0/0).

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

6. Mr. Blount moved on behalf of the committee:  
if by considering landings through October 15, less than 9,000 mt has been taken in the New Brunswick Weir fishery, then 3,000 mt will be reallocated to the limited access fishery in November and December.

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

7. Mr. Blount moved and Mr. Grout seconded:  
that for 2010-2012, to set JVP, IWP, TALFF, and the reserve at zero, and to set border transfer at 4,000 mt; that the USAP specifications for 2010-2012 be set to zero; that for 2010-2012, DAH be set at OY and equal to DAP plus 4,000 mt for border transfer (DAP would be DAH minus 4,000); to set herring research set-asides (RSAS) at zero for 2010-2012 and that the fixed gear set-aside west of cutler be reduced proportionately based on the distribution of the TAC in Area 1A for the three-year period (295 mt).

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

8. Mr. Cunningham moved and Mr. Blount seconded:  
that the Council forward the specs package to NMFS.

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

9. Mr. Blount moved on behalf of the committee:  
that the Council adopt the restructured catch monitoring alternatives for further development in Amendment 5 (other issues will remain in the amendment 5 discussion document dated July 31, to be addressed after the development of the catch monitoring alternatives).

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

Wednesday, November 18, 2009

SCALLOPS

1. Ms. McGee moved and Mr. Cunningham seconded:  
to adopt Scenario 1 status quo for FY 2010 which is no closure in the Great South Channel and an overall F of 0.20.
- 1a. Ms. Tooley moved to amend and Mr. Avila seconded:  
to adopt Scenario 2 for FY 2010 which is no closure in the Great South Channel and an overall F of 0.24.
- 1b. Ms. Tooley moved to further amend and Mr. Avila seconded:  
to adopt Scenario 2 for FY 2010 which is no closure in the Great South Channel and adjust overall F to 0.22.

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

- 1c. The motion to amend was voted:  
to adopt Scenario 2 for FY 2010 which is no closure in the Great South Channel and an overall F of 0.24.

The motion to amend **failed** on a show of hands (7/10/0).

- 1d. The main motion was voted:  
to adopt Scenario 1 status quo for FY 2010 which is no closure in the Great South Channel and an overall F of 0.20.

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

2. Ms. McGee moved on behalf of the committee:  
to identify Option 2.7.1.3 Option A (seasonal closure of Delmarva in September and October) as a preferred alternative in Framework 21.
- 2a. Mr. Cunningham moved to substitute and Mr. Preble seconded:  
to substitute the committee motion with combined Measure 1.2 as the RPM alternative in Framework 21.
- 2b. Ms. McGee moved to amend the substitute and Mr. Goethel seconded:  
to adopt combined Measure 1.3, Option B as the RPM alternative in Framework 21.

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

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

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

3. Ms. McGee moved on behalf of the committee:  
to add an alternative in Framework 21 that would allow leasing of partial allocations (in amounts equal to or greater than 100 lbs.) throughout the fishing year with existing applications and protocols. It is understood that the intention is not to slow down the implementation of Framework 21.

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

4. Ms. Tooley moved and Mr. Avila seconded:  
that the Council adopt Section 2.9.2, Suboption B which would set the observer compensation rates for limited access general category permits in access areas equivalent to the value of one day regardless of trip length.

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

5. Dr. Pierce moved and Mr. Goethel seconded:  
that the Council adopt Section 2.9.1.2 to include observer payment provisions as part of the annual permit renewal process.

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

6. Ms. McGee moved and Mr. Stockwell seconded:  
that the Council approve Framework 21 for final action, as amended this date, and submit to NMFS.

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

### **SCALLOP/GROUNDFISH Discussion**

7. Mr. Cunningham moved on behalf of the Groundfish committee:  
the Groundfish Oversight committee recommends that the Council allocate 90% of the projected Georges Bank and SNE/MA yellowtail flounder ABC needed for the scallop fishery for FY 2010 and 90% of what is needed for 2011 and 2012; and the scallop fisheries are required to land all legal-sized yellowtail flounder.

- 7a. Mr. Cunningham moved to amend and Mr. Avila seconded:  
the Groundfish Oversight committee recommends that the Council allocate 90% of the projected Georges Bank and SNE/MA yellowtail flounder ABC needed for the scallop fishery for FY 2010 and up to 90% of what is needed for 2011 and 2012; and the scallop fisheries are required to land all legal-sized yellowtail flounder.

- 7b. Mr. Odlin moved to amend the amendment and Mr. Cunningham seconded:  
the Groundfish Oversight committee recommends that the Council allocate 90% of the projected Georges Bank and SNE/MA yellowtail flounder ABC needed for the scallop fishery for FY 2010 and up to 90% of what is needed for 2011 and 2012. If the overall annual catch limit is not exceeded in 2010, then the allocation would remain at 90%. The limited access scallop fleet would be required to land all legal-sized yellowtail flounder.

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

- 7c. Dr. Pierce moved to substitute and Mr. Fair seconded:  
recommend that the Council allocate 100% of the projected Georges Bank and SNE/MA yellowtail flounder ABC needed for the scallop fishery for FY 2010 and 90% of what is needed for 2011 and 2012.

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

- 7d. The motion to amend as substituted:  
recommend that the Council allocate 100% of the projected Georges Bank and SNE/MA yellowtail flounder ABC needed for the scallop fishery for FY 2010 and 90% of what is needed for 2011 and 2012.

The motion **carried** on a show of hands (9/3/1).

- 7e. Mr. Stockwell moved and Mr. Preble seconded:  
to table the previous motion.

The motion to table **carried** on a show of hands (11/3/0).

8. Mr. Stockwell moved and Mr. Grout seconded:  
if the overall annual catch limit is not exceeded in 2010, then the FY 2011 allocation would remain at 90%.  
The limited access scallop fleet would be required to land all legal-sized yellowtail flounder.

- 8a. The motion was perfected to read:  
that the limited access scallop fleet would be required to land all legal-sized yellowtail flounder.

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

9. Mr. Cunningham moved and Ms. Tooley seconded:  
to bring back the tabled motion.

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

10. The tabled motion was voted:  
recommend that the Council allocate 100% of the projected Georges Bank and SNE/MA yellowtail flounder ABC needed for the scallop fishery for FY 2010 and 90% of what is needed for 2011 and 2012.

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

11. Ms. McGee moved and Mr. Preble seconded:  
that the Council supports including in Amendment 15 measures to allow an adjustment in 2011 for any overages in the yellowtail flounder subcomponent in 2010.

- 11a. Mr. Odlin moved to amend and Mr. Stockwell seconded:  
that the Council consider including in Amendment 15 measures to allow an adjustment in 2011 for any overages in the yellowtail flounder subcomponent in 2010 and that the Council initiate a framework to adjust the control rules for yellowtail flounder for Georges Bank.

- 11b. Ms. McGee moved and Mr. Grout seconded:  
to split the previous motion.

The motion to split **carried** on a show of hands (11/5/0).

- 11c. The 2<sup>nd</sup> part of split motion to amend, as perfected, was voted:  
that the Council initiate an action to adjust the rebuilding strategy for Georges Bank yellowtail flounder.

The motion **carried** on a show of hands (10/7/0).

11d. The 1<sup>st</sup> part of the split motion to amend:  
that the Council consider including in Amendment 15 measures to allow an adjustment in 2011 for any overages in the yellowtail flounder subcomponent in 2010.

11e. Ms. Tooley moved to amend and Mr. Avila seconded:  
that the Council consider including in Amendment 15 measures to allow an adjustment in 2011 for any overages in the yellowtail flounder subcomponent in 2010 if the overall annual catch limit for yellowtail flounder is exceeded in 2010.

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

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

11f. The main motion, as amended, was voted:  
that the Council initiate an action to adjust the rebuilding strategy for Georges Bank yellowtail flounder. Also, that the Council consider including in Amendment 15 measures to allow an adjustment in 2011 for any overages in the yellowtail flounder subcomponent in 2010 if the overall annual catch limit for yellowtail flounder is exceeded in 2010.

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

12. Mr. Cunningham moved on behalf of the committee  
that the scallop dredge Cape Cod/Gulf of Maine yellowtail flounder component of the fishery be included in the “other sub-component” category for ACL consideration.

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

13. Mr. Cunningham moved on behalf of the committee:  
that for the Cape Cod/Gulf of Maine and Georges Bank yellowtail flounder stocks, the scallop ACL will be set at 97% of the ABC; for SNE/MA components, the ACL should be set at 93% of the ABC.

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

## **GROUND FISH - Framework 44 Discussion**

### **Specifications**

14. Mr. Cunningham moved on behalf of the committee:  
recommend proposing the ACLs as described in Table 1 and Table 2 of the draft Framework 44 document.

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

### **Effort Controls**

15. Mr. Cunningham moved on behalf of the committee:  
that the FY 2010 initial trip limit for Gulf of Maine cod be 800 lbs. per das and 4,000 lbs. per trip, and 2:1 counting in the same area will be applied as implemented for Amendment 16. The initial trip limit for Gulf of Maine pollock is 1,000 lbs. per DAS up to 10,000 lbs. per trip.

- 15a. Mr. Stockwell moved to amend and Mr. Odlin seconded:  
to delete the 2:1 counting.

The motion to amend **carried** on a show of hands (8/7/0).

- 15b. The main motion as amended:  
that the FY 2010 initial trip limit for Gulf of Maine cod be 800 lbs. per DAS and 4,000 lbs. per trip. The initial trip limit for Gulf of Maine pollock is 1,000 lbs. per DAS up to 10,000 lbs. per trip.

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

16. Mr. Cunningham moved and Mr. Blount seconded:  
that the Council submit Framework 44, as amended this date, to NMFS for approval.

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

### **GROUND FISH – Other Business**

#### **US/CANADA Issues**

17. Mr. Cunningham moved on behalf of the committee:  
the committee requests that the Council recommends that the Eastern US/CA area not open for common pool or sector vessels using trawl gear until August 1<sup>st</sup> of the fishing year.

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

#### **Sector Exemptions**

18. Mr. Cunningham moved on behalf of the committee:  
the committee recommends that the Council endorses requests made by sectors that they be exempt from the rolling closure Block 138 in May.

The motion **carried** on a show of hands (9/6/2).

### **Thursday, November 19, 2009**

#### **RED CRAB**

1. Dr. Pierce moved and Mr. Goethel seconded:  
that the red crab specs for 2010 be the status quo alternative which would be an ABC target TAC of 1,615 mt with 582 DAS.

- 1a. Ms. McGee moved to amend and Mr. Alexander seconded:  
to adopt the preferred alternative for 2010 which would be an ABC target of 1,284 mt.

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

- 1b. The main motion was voted:  
that the red crab specs for 2010 be the status quo alternative which would be an ABC target TAC of 1,615 mt with 582 DAS.

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

2. Dr. Pierce moved and Mr. Grout seconded:  
to direct the PDT and the SSC to review the SSC recommended interim ABC for red crab to determine if it can be revised upwards to 1,615 mt.
- 2a. The motion was perfected to read:  
to direct the PDT and the SSC to review the SSC recommended interim ABC for red crab to determine if it should be revised.

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

### **MONKFISH**

3. Mr. Stockwell moved and Mr. Odlin seconded:  
to approve the draft environmental assessment for Amendment 5 to the monkfish FMP for public review and comment.

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

### **DOGFISH**

4. Mr. Blount moved and Mr. Preble seconded:  
that the Council accept the SSC recommendation that sets ABC for spiny dogfish at 10,064 mt for fishing year 2010 (May 1, 2010 – April 30, 2011) based on  $F_{rebuild} = 0.11$ .
- 4a. Dr. Pierce moved to amend and Mr. Grout seconded:  
that the Council set the ABC for spiny dogfish for fishing year 2010 based on  $F = 0.20$

The motion to amend **carried** on a show of hands (10/6/0).

The amended motion **carried** on a show of hands (12/4/0).

5. Mr. Blount moved and Mr. Cunningham seconded:  
that the Council accept the monitoring committee's recommendation to maintain status quo trip limit equal to 3,000 lbs/trip for spiny dogfish.

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

### **OTHER BUSINESS**

6. Mr. Odlin moved and Ms. Tooley seconded:  
that the Council request that the Secretary of Commerce design and implement an industry-funded capacity reduction program in the northeast multispecies fishery.

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