

**NEW ENGLAND FISHERY MANAGEMENT COUNCIL**  
**Marriott Hotel, Newport, RI**  
**November 15-17, 2011**  
**Motions**

**Tuesday, November 15, 2011**

**HERRING**

1. Dr. Pierce moved and Mr. Stockwell seconded:  
to modify Section 3.3.5 (river herring catch caps) in Amendment 5 to include the option of specifying the river herring catch cap in the specification process.

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

**Wednesday, November 16, 2011**

**PRIORITIES**

1. Mr. Stockwell moved and Ms. Tooley seconded:  
to approve the 2012 priorities as approved by the Executive Committee.
- 1a. Ms. Tooley moved to amend and Mr. Odlin seconded:  
to change the priority order of 'other measures' in scallop Framework 24 to be:  
1) consider modification of Georges Bank access area opening dates; 2) address sub-ACL of yellowtail flounder for the LAGC trawl fishery; 3) leasing LAGC IFQ mid year and 4) performance review for LAGC IFQ fishery.

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

- 1b. Mr. Goethel moved to amend and Dr. Pierce seconded:  
to add to the whiting priority "upon completion, prepare an amendment for limited entry to the whiting fishery".

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

- 1c. Ms. Tooley moved to amend and Mr. Dempsey seconded:  
to replace the groundfish priorities with those as recommended by the Groundfish Advisory Panel. The Advisory Panel recommends in order of importance:
  - 1) prepare framework to address new assessment info for 9 stocks
  - 2) take action to eliminate all or part of rolling, seasonal and year round mortality closures
  - 3) develop a cost-effective sector monitoring plan, that includes options for electronic monitoring of discards (including a full retention policy for allocated stocks), phasing in industry cost-share over a 5-10 year timeframe
  - 4) develop options to move unused ACE between scallops/ groundfish fleets and between groundfish commercial and recreation fleets
  - 5) increase rollover percentage
  - 6) address LAGC yellowtail AMs
  - 7) other effort controls including minimum fish sizes
  - 8) consider Amendment 18 on accumulation limits and fleet diversity including refining definition of fleet diversity

- 1d. Mr. Stockwell moved to substitute and Mr. Preble seconded:  
to revert back to the original list of groundfish priorities:
1. coordinate action on the habitat omnibus amendment to include possible modifications of the groundfish closed areas
  2. prepare framework action to adjust sector rules based on lessons learned from the October 2011 Sector Workshop, including determination of OY, is not being caught and the development of measures to attempt to achieve OY and review 10% quota rollover provision in response to Regional Administrator letter of June 20, 2011
  3. prepare framework to respond to new assessment info for 9 stocks
  4. develop options to move unused ACE between scallop/groundfish fleets and between groundfish commercial and recreational fleets
  5. continue Amendment 18 to consider fleet diversity and accumulation caps

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

- 1e. Mr. Goethel moved to amend and Mr. Kendall seconded:  
to discontinue work on monkfish Amendment 6.

Without objection, the motion was **withdrawn**.

- 1f. Mr. Alexander moved to amend and Ms. McGee seconded:  
to add to the monkfish priorities, the contingency for an action separate from Amendment 6 that addresses Atlantic sturgeon mortality and/or full utilization of monkfish catch targets.

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

- 1g. The main motion, as amended:  
to approve the 2012 priorities as approved by the Executive Committee and as amended this date.

The main motion, as amended, **carried** on a show of hands (13/4/0).

2. Dr. Pierce moved and Mr. Goethel seconded:  
consistent with (1) NOAA's catch share policy to "support the design, implementation, and monitoring of catch share programs" to ensure these programs have the highest likelihood of success and (2) the NMFS commitment to work with the Council to address the problem of individual permit holders acquiring excessive control of fishing privileges (Amendment 16 final rule), the Council requests NOAA fisheries provide leadership, technical assistance, and funding to reduce administrative and organizational impediments for the development of Amendment 18 dealing with fleet diversity and consolidation issues.

The motion **carried** on a show of hands (9/6/1).

### **SCALLOPS**

3. Ms. Tooley moved and Mr. Avila seconded:  
that the Council deem the draft Framework 23 regulations presented at this meeting to be consistent with the Framework 23 text and Council intent with clarification at Section 648.51 (b)(5)(ii)(3) "with the exception of a minor appendage not to exceed 12" in length for flaring and safe handling of the dredge.

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

## **GROUND FISH**

### **Framework Adjustment 47 (all section numbers refer to draft Framework 47)**

4. Mr. Stockwell moved on behalf of the committee:  
to select Option 2 as the preferred alternative for status determination criteria (Section 3.1.1.2).

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

5. Mr. Stockwell moved on behalf of the committee:  
to select Option 2, sub-option B as the preferred alternative for Georges Bank yellowtail flounder rebuilding (Section 3.1.2.2).

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

6. Mr. Stockwell moved on behalf of the committee:  
that the Council address Option 2, Southern New England/Mid-Atlantic windowpane flounder sub-ACLs (Section 3.1.3) in the next groundfish action.

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

7. Mr. Stockwell moved on behalf of the committee:  
the Southern New England/Mid-Atlantic winter flounder sub-ACL in the scallop fishery be delayed until the next groundfish action (Option 3, Section 3.1.3).

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

8. Mr. Stockwell moved on behalf of the committee:  
to select Option 2 for U.S./Canada TACs (Section 3.1.4.2).

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

9. Mr. Stockwell moved on behalf of the committee:  
to remove Section 3.1.5 from Framework 47 and the Council will consider the mixed stock exception for Southern New England/Mid-Atlantic windowpane flounder in the next groundfish action.

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

10. Mr. Stockwell moved on behalf of the committee:  
to select Options 2 (Section 3.1.6.2) and 3 (Section 3.1.6.3) as preferred alternatives in Section 3.1.6;  
and to include the groundfish advisors suggestion for adding an additional criterion for the trigger (the AM is triggered if the scallop fishery sub-ACL is exceeded by 50 percent or more).

- 10a. Ms. Tooley moved to amend and Mr. Goethel seconded:  
to delay implementation of Option 3 until the observer data becomes available in a timely enough way to implement it, with considerations for uncertainty.

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

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

11. Mr. Stockwell moved on behalf of the committee:  
to select Option 2 (Section 3.1.7.2) for revised ACL specifications as a preferred alternative.

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

12. Mr. Stockwell moved on behalf of the committee:  
to select Option 1 (no action) for the Southern New England/Mid-Atlantic winter flounder management measures (Section 3.2.1.1) as a preferred alternative.

- 12a. Mr. Dempsey moved to amend and Mr. Odlin seconded:  
to select Option 1 (No Action) as the preferred alternative and identify that option as the pro-active accountability measure for the Southern New England/Mid-Atlantic winter flounder management.

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

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

13. Mr. Stockwell moved on behalf of the committee:  
to select Option 2, Section 3.2.2.2, as the preferred alternative (eliminate cap on yellowtail flounder caught in the Georges Bank access areas).

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

14. Mr. Stockwell moved on behalf of the committee:  
to select Option 1 (no action) as the preferred alternative for Atlantic wolffish landing limits (Section 3.2.3.1).

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

15. Mr. Stockwell moved on behalf of the committee:  
to select Option 2 as the preferred alternative for common pool restricted gear areas (Section 3.2.4.2).

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

16. Mr. Stockwell moved on behalf of the committee:  
to select sub-Option 2 as the preferred alternative for timing of revised AMs (Section 3.2.5).

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

17. Mr. Stockwell moved on behalf of the committee:  
to select Option 2, Section 3.2.5.2, as a preferred alternative for ocean pout and windowpane flounder accountability measures.

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

18. Mr. Stockwell moved on behalf of the committee:  
to select as a preferred alternative for Atlantic halibut the no possession AM, Option 1 sub-Option B, Section 3.2.5.3. This AM applies to commercial vessels only.

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

19. Mr. Stockwell moved on behalf of the committee:  
to select as a preferred alternative Option 1, proactive AM of no possession for Atlantic wolffish (Section 3.2.5.4).

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

20. Mr. Stockwell moved and Mr. Preble seconded:  
to submit Framework Adjustment 47 to the Northeast Multispecies FMP, as amended this date, to the Regional Administrator for approval and implementation.

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

### **OTHER GROUND FISH BUSINESS** **Recreational AMs for GOM haddock**

21. Mr. Stockwell moved on behalf of the committee:  
the Council recommends that of the three measures possible as recreational AMs, NMFS should consider a bag limit first, minimum size second and closed season last.

- 21a. Dr. Pierce moved to amend and Mr. Avila seconded:  
recommend that of the three measures possible as recreational AMs, NMFS should consider minimum size first, a bag limit second and closed season last.

The motion to amend **failed** on a show of hands (6/8/3).

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

22. Mr. Stockwell moved on behalf of the committee:  
that the Council write a letter to the States and ASMFC asking for their cooperation on coordinating management of fisheries that are managed by the Council.

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

23. Mr. Stockwell moved on behalf of the committee:  
that the Council send a letter to the NEFSC asking for a detailed discussion of the issues surrounding the discard mortality of Atlantic wolffish.

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

24. Mr. Stockwell moved on behalf of the committee:  
recommend that the Council form a combined groundfish/habitat PDT and a combined advisory panel for the purpose of the omnibus habitat amendment. Further development and completion of this portion of the amendment will be conducted by the full Council. The combined PDT and advisory panel would provide technical support and advice to the whole Council.

- 24a. Ms. McGee moved to amend but it was not seconded:  
recommend that the Council form a combined groundfish/habitat PDT and a combined advisory panel for the purpose of the Omnibus Habitat amendment.

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

25. Mr. Goethel moved and Ms. Ramsden seconded:  
that the Council request the Regional Administrator utilize her emergency action capabilities to increase the commercial annual catch limit for Gulf of Maine winter flounder considering the recently completed stock assessment.

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

### **Thursday, November 17, 2011**

#### **MONKFISH**

1. Mr. Alexander moved on behalf of the committee:  
that the Council consider and approve the committee recommendation on goals and objectives for Amendment 6 as developed at the November 4<sup>th</sup> committee mtg.
- 1a. Mr. Grout moved to amend and Mr. Goethel seconded:  
to insert an objective under sub-goal 4 to implement measures that would result in accumulation limits if some sort of catch shares are implemented.

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

- 1b. The main motion as amended:  
that the Council consider and approve the committee recommendation on goals and objectives for Amendment 6 as developed at the November 4<sup>th</sup> committee meeting and to insert an objective under sub-goal 4 to implement measures that would result in accumulation limits if some sort of catch shares are implemented.

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

2. Mr. Alexander moved and Mr. Stockwell seconded:  
request that the Council send a letter to NMFS requesting that they calculate individual contribution factor (PSC, ITQ or other) based on landings history for three time periods for each area: initial permit qualification period, 2000-2010 and 2005-2010, to be sent to permit holders, and to identify the proportion of the landings by management area (NMA/SMA) used in the calculations for each vessel, and that the agency also provide a summary report to the Council.
- 2a. Mr. Dempsey moved to substitute and Mr. Stockwell seconded:  
that the Council direct the Monkfish Committee to develop a range of alternatives to address the identified objectives for Amendment 6. Recognizing the differences between the northern and southern monkfish fisheries, the Council directs the committee to develop measures for these areas.
- 2b. Mr. Stockwell moved and Mr. Grout seconded:  
to table the previous motion to a time certain.

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

- 2c. The main motion was discussed:  
request that the Council send a letter to NMFS requesting that they calculate individual contribution factor (PSC, ITQ or other) based on landings history for three time periods for each area: initial permit qualification period, 2000-2010 and 2005-2010, to be sent to permit holders, and to identify the proportion of the landings by management area (NMA/SMA) used in the calculations for each vessel, and that the agency also provide a summary report to the Council.

Without objection, the motion was **withdrawn**.

- 2d. Mr. Stockwell moved and Mr. Dempsey seconded:  
to bring the tabled motion back.

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

- 2e. The tabled motion was voted:  
that the Council direct the Monkfish Committee to develop a range of alternatives to address the identified objectives for Amendment 6. Recognizing the differences between the northern and southern monkfish fisheries, the Council directs the committee to develop measures for these areas.

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

### **DOGFISH**

3. Mr. Blount moved on behalf of the committee:  
to approve the spiny dogfish ACL for 2012 at 44,868,000 lbs., the ACT at 44,737,000 lbs., the TAL at 35,740,000 lbs., the commercial quota at 35,694,000 lbs., and the trip limit of 4,000 lbs.

- 3a. Mr. Dempsey moved to amend and Mr. Avila seconded:  
to approve the spiny dogfish ACL for 2012 at 44,868,000 lbs., the ACT at 44,737,000 lbs., the TAL at 35,740,000 lbs., the commercial quota at 35,694,000 lbs., and the trip limit of 3,000 lbs.

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

- 3b. Mr. Grout moved to amend and Mr. Avila seconded:  
to approve the spiny dogfish ACL for 2012 at 44,868,000 lbs., the ACT at 44,737,000 lbs., the TAL at 35,740,000 lbs., the commercial quota at 30,000,000 lbs., and the trip limit of 3,000 lbs.

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

- 3c. The main motion as amended:  
to approve the spiny dogfish ACL for 2012 at 44,868,000 lbs., the ACT at 44,737,000 lbs., the TAL at 35,740,000 lbs., the commercial quota at 35,694,000 lbs., and the trip limit of 3,000 lbs.

The main motion, as amended, **carried** on a show of hands (13/3/0).