

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Newport Marriott, Newport, RI
November 13-15, 2012
MOTIONS

Tuesday, November 13, 2012

HERRING

1. Mr. Grout moved on behalf of the committee:
that the Council forward to the SSC the Lenfest hockey stick harvest control rule for evaluation and inclusion in the specifications document.

1a. Mr. Bullard moved to amend and Mr. Dempsey seconded:
that the Council forward to the SSC the Lenfest hockey stick harvest control rule and Pacific Coast control rule for evaluation and inclusion in the specifications document.

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

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

2. Mr. Grout moved on behalf of the committee:
that the Council initiate a framework adjustment to establish the mechanism to allow for seasonal splits of sub-ACLs (parallel action with 2013-2015 specifications package).

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

3. Mr. Grout moved on behalf of the committee:
that the Council include consideration of allowing sub-ACL rollovers of up to 10% in the herring fishery as part of the parallel framework adjustment to modify the specifications process (intent is that process for determining rollovers would be consistent with AMs for overage paybacks).

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

4. Mr. Grout moved on behalf of the committee:
that the Council consider all AM alternatives except for Alternative 5c in the 2013-2015 herring specifications package.

4a. Mr. Stockwell moved to amend and Mr. Grout seconded:
that the Council consider all AM alternatives except for Alternatives 4 and 5c in the 2013-2015 herring specifications package.

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

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

Wednesday, November 14, 2012

SPINY DOGFISH

1. Dr. Pierce moved on behalf of the committee:
that the Council adopt the following specifications for spiny dogfish:
 - in 2013 an ACL of 54.295 million pounds equivalent to domestic ABC, an ACT of 52.598 million pounds corresponding to a TAL of 40.900 million pounds resulting in a commercial quota of 40.842 million pounds;
 - in 2014 an ACL of 55.277 million pounds equivalent to domestic ABC, an ACT of 53.540 million pounds corresponding to a TAL of 41.842 million pounds resulting in a commercial quota of 41.784 million pounds;
 - in 2015 an ACL of 55.063 million pounds equivalent to domestic ABC, an ACT of 53.335 million pound corresponding to a TAL of 41.637 million pounds resulting in a commercial quota of 41.579 million pounds;
 - a trip limit of 4,000 pounds for spiny dogfish in 2013, 2014, and 2015;
 - allow a research set-aside of up to 3% of the commercial quota, or, 1.254 million pounds in 2014;
 - allow a research set-aside of up to 3% of the commercial quota, or, 1.247 million pounds in 2015.

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

GROUND FISH

2. Mr. Stockwell moved on behalf of the committee:
recommend the Council adopt the goals and objectives for design of revised groundfish closed areas as part of the Omnibus Habitat amendment as outlined by the groundfish Plan Development Team memo of October 5, 2012.

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

3. Mr. Stockwell moved and Mr. Dempsey seconded:
that the Council approve the following 2013 quotas for the U.S./Canada resource sharing understanding: (1) Eastern Georges Bank cod – 600 mt (U.S. share 96 mt, Canadian share 504 mt); (2) Eastern Georges Bank haddock – 10,400 mt (U.S. share 3,952 mt, Canadian share 6,448 mt); (3) Georges Bank yellowtail flounder - 500 mt (U.S. share 215 mt, Canadian share 285 mt).

- 3a. Dr. Pierce moved to amend and Ms. Tooley seconded:
that the Council approve the following 2013 quotas for the U.S./Canada resource sharing understanding: (1) Eastern Georges Bank cod – 600 mt (U.S. share 96 mt, Canadian share 504 mt); (2) Eastern Georges Bank haddock – 10,400 mt (U.S. share 3,952 mt, Canadian share 6,448 mt); (3) Georges Bank yellowtail flounder – 1,150 mt (U.S. share 495 mt, Canadian share 656 mt).

Yes – T.Alexander, Balzano, Gibson, Goethel, Kendall, Pierce, Quinn, Ramsden, Tooley

No – M.Alexander, Blount, Bullard, Dempsey, Grout, McKenzie, Preble, Stockwell

Abstention(s) –

The motion to amend **carried** on a roll call vote (9/8/0).

The main motion, as amended, **carried** on a show of hands (9/7/1).

4. Mr. M.Alexander moved and Mr. Preble seconded:
to reconsider the vote of the previous motion.

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

- 4a. The reconsidered motion was voted:
that the Council approve the following 2013 quotas for the U.S./Canada resource sharing understanding: (1) Eastern Georges Bank cod – 600 mt (U.S. share 96 mt, Canadian share 504 mt); (2) Eastern Georges Bank haddock – 10,400 mt (U.S. share 3,952 mt, Canadian share 6,448 mt); (3) Georges Bank yellowtail flounder – 1,150 mt (U.S. share 495 mt, Canadian share 656 mt).

Yes – Tooley, Ramsden, Quinn, Pierce, Kendall, Goethel, Gibson, Balzano, T.Alexander

No – Stockwell, Preble, McKenzie, Grout, Dempsey, Bullard, Blount, M.Alexander

Abstention(s) –

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

5. Mr. Stockwell moved on behalf of the committee:
that the preferred alternative for allocating Georges Bank yellowtail flounder be set at a fixed percentage of Georges Bank yellowtail flounder of 16% for the scallop fleet.

- 5a. Dr. Pierce moved to amend and Ms. Tooley seconded:
that the preferred alternative for allocating Georges Bank yellowtail flounder be set at a fixed percentage of Georges Bank yellowtail flounder of 40% for the scallop fleet [this motion applies to 2013].

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

- 5b. Dr. Pierce moved to amend and Ms. Tooley seconded:
that the preferred alternative for allocating Georges Bank yellowtail flounder be set at 85 mt for the scallop fishery for 2013.

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

- 5c. Mr. Kendall moved to amend and Mr. T.Alexander seconded:
that the preferred alternative for allocating Georges Bank yellowtail flounder be set at a fixed percentage of Georges Bank yellowtail flounder of 40% for the scallop fleet for 2013 and a fixed percentage of 16% for 2014-2015.

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

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

6. Mr. Stockwell moved and Mr. Grout seconded:
that the Council's preferred alternative is to allocate 90% of the high estimate of scallop fishery catch of SNE/Mid-Atlantic yellowtail flounder to the scallop fishery for 2013-2015 (see revised Table 16 of the draft Framework 48 management measures).
- 6a. The motion was perfected to read:
that the Council's preferred alternative is to allocate 90% of the high estimate of scallop fishery catch of SNE/Mid-Atlantic yellowtail flounder to the scallop fishery for 2013-2015 and to include as a part of this alternative, a mechanism similar to the one used currently in Georges Bank yellowtail flounder for in-season transfers between the sub-ACLs of groundfish and scallop fisheries.

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

7. Mr. Stockwell moved and Mr. Dempsey seconded:
that the Council adopt as a preferred alternative in Framework 48 Section 4.1.2.2, establishing a scallop fishery sub-ACL for SNE/Mid-Atlantic windowpane flounder.
- 7a. Ms. Tooley moved and Mr. Kendall seconded:
to table the previous motion until the December 20 Council meeting.

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

- 7b. The main motion was voted:
that the Council adopt as a preferred alternative in Framework 48 Section 4.1.2.2, establishing a scallop fishery sub-ACL for SNE/Mid-Atlantic windowpane flounder.

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

8. Mr. Stockwell moved on behalf of the committee:
to include an option in Framework 48 that would allocate a percentage based sub-ACL for Georges Bank yellowtail flounder based on recent catch history in the small mesh fishery.

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

9. Mr. Stockwell moved on behalf of the committee:
to include in Framework 48, the alternative outlined in the draft recreational measures text as recommended by the staff.

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

10. Mr. Stockwell moved on behalf of the committee:
to include in Framework 48 the PDT's Option X for observer coverage for FY 2013: at-sea monitoring coverage of sector trips at the level that NMFS can fund during FY 2013.

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

11. Mr. Stockwell moved on behalf of the committee:
to include the PDT's Option 2 - lower ASM coverage rates for vessels on a monkfish DAS using extra-large mesh (ELM) sink gillnets in SNE.

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

12. Mr. Stockwell moved on behalf of the committee:
to add an alternative to Framework 48 under dockside monitoring requirements (Section 4.2.2.5), that would require 100% dockside monitoring with full retention.

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

13. Mr. Stockwell moved on behalf of the committee:
to amend Framework 48 Section 4.3.3.2, to include the minimum fish sizes recommended by the Groundfish Advisory panel.

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

14. Mr. Stockwell moved on behalf of the committee:
to add an option to require the raised footrope trawl to be used in the Georges Bank broad stock area for small mesh fisheries.

- 14a. Mr. Goethel moved to amend and Mr. Preble seconded:
to add an option to require the raised footrope trawl to be used in the Georges Bank broad stock area for small mesh fisheries and that approved trawls include the raised footrope trawl, separator trawl, Ruhle trawl and rope trawl. Additional gear could be added to this list by the regional administrator using the process outlined in 50 CFR 648.85(b)(6)(iv)(J)(2).

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

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

15. Mr. Stockwell moved on behalf of the committee:
that the Council request Emergency Action to eliminate the monkfish trip limit in the Northern Fishery Management Area (NFMA) for limited access vessels fishing on a groundfish days-at-sea under sector management rules as one means of mitigating the reductions in groundfish annual catch limits pending for 2013.

- 15a. Mr. Dempsey moved to amend and Ms. Ramsden seconded:
that the Council request Emergency Action to eliminate the monkfish trip limit in the NFMA for limited access vessels fishing on a groundfish days-at-sea under sector management rules as one means of mitigating the reductions in groundfish annual catch limits pending for 2013 and that the Council also request Emergency Action to allow landing of barndoor skates in the northeast skate wing fishery. [The intent of this motion is to treat catch and landings of barndoor skate under the existing trip limits and management measures of the other stocks in the Northeast skate complex]

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

- 15b. The main motion was voted:
that the Council request Emergency Action to eliminate the monkfish trip limit in the Northern Fishery Management Area for limited access vessels fishing on a groundfish days-at-sea under sector management rules as one means of mitigating the reductions in groundfish annual catch limits pending for 2013.

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

16. Ms. Tooley moved and Mr. Kendall seconded:
to request that the SSC provide the Council with an overfishing limit (OFL) for Georges Bank yellowtail flounder for their ABC recommendation #3 (1,150 mt) by the December 20 Council meeting.

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

Thursday, November 15, 2012

SCALLOPS

1. Ms. Tooley moved on behalf of the committee:
recommend that the Council adopt Alternative 2 for Framework 24 specifications.

The motion **carried** on a show of hands (14/0/1) with one recusal, Ms. Tooley.

2. Ms. Tooley moved on behalf of the committee:
recommend that the Council adopt no action regarding restriction on scallop RSA compensation fishing in Nantucket Lightship.

The motion **carried** on a show of hands with one recusal, Ms. Tooley (14/0/1/1).

3. Ms. Tooley moved on behalf of the committee:
recommend that the Council adopt Alternative 2.1.5.2 for limited access payback but adjust the open area days-at-sea (DAS) payback to 12 DAS for all limited access permit types. Also include language for LAGC IFQ payback as described in Section 2.1.5.3. Finally, do not adopt default language for LAGC IFQ vessels as described in Section 2.1.4.2.

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

4. Ms. Tooley moved on behalf of the committee:
recommend that the Council adopt Alternative 2.1.4.2.2 and allocate 5.5% of all access area TACs to the LAGC IFQ fishery but prorate Closed Area 2.

The motion **carried** on a show of hands with one recusal, Ms. Tooley (13/0/1/1).

5. Ms. Tooley moved on behalf of the committee:
recommend that the Council adopt no action for LAGC incidental catch TAC of 50,000 lbs. and no action for Northern Gulf of Maine hard TAC of 70,000 lbs.

The motion **carried** on a show of hands with one recusal, Ms. Tooley (14/0/1/1).

6. Ms. Tooley moved on behalf of the committee: recommend that the Council adopt Option 3b for Georges Bank access area seasons and not include Option 3a in Framework 24.

The motion **carried** on a show of hands with one recusal, Ms. Tooley (14/0/0/1).

7. Ms. Tooley moved on behalf of the committee: recommend that the Council adopt Option 2.3.2 (allow transfer of LAGC IFQ during the year); as well as Option 2.4.2 (to include open area trips by LAGC vessels under current observer set-aside program); and finally Option 2.4.2.1.2 (observer set-aside would remain at 1% and would not be area specific).

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

8. Ms. Tooley moved on behalf of the committee: recommend that the Council adopt 2.2.2.3.1 (SNE/Mid-Atlantic yellowtail AM for the LAGC dredge fishery); 2.2.2.3.2 (yellowtail AMs trigger in year 2 if reliable data available or year 3 after a full year of data available); and no action for Georges Bank yellowtail AM for the LAGC dredge fishery.

The motion **carried** on a show of hands with one recusal, Ms. Tooley (14/0/1/1).

9. Ms. Tooley moved on behalf of the committee: to adopt motion 12 from the Advisory Panel meeting related to LAGC trawl AM for SNE/Mid-Atlantic yellowtail if reliable data is available to make an in-season projection of yellowtail catch. (Advisory Panel motion 12 reads: “if the in-season estimate of projected LAGC yellowtail trawl scallop catch exceeds 10% of the total SNE/Mid-Atlantic yellowtail scallop fishery sub-ACL then prohibits trawl gear for LAGC vessels for the remainder of and the following fishing year. Vessels could switch to dredge gear at any time. If yellowtail catch remains high for the LAGC trawl fishery then a future amendment should be developed to prohibit trawl gear”.)

- 9a. Dr. Pierce moved to substitute and Mr. Preble seconded: if the LAGC yellowtail trawl scallop catch exceeds 10% of the total SNE/Mid-Atlantic yellowtail fishery sub-ACL, then trawl gear for LAGC vessels will be prohibited the following year.

The motion to substitute **failed** on a show of hands with one recusal, Ms. Tooley (6/9/0/1).

- 9b. Mr. Goethel moved to substitute and Mr. M.Alexander seconded: to adopt Section 2.2.2.2.1.1 Option 1, LAGC trawl AM for SNE/Mid-Atlantic yellowtail flounder.

The motion to substitute **failed** on a show of hands with one recusal, Ms. Tooley (0/13/1/1).

- 9c. Mr. Goethel moved to substitute and Mr. T.Alexander seconded:
to adopt Section 2.2.2.2.1.2 Option 2, LAGC trawl AM for SNE/Mid-Atlantic yellowtail flounder.

The motion to substitute **failed** on a show of hands with one recusal, Ms. Tooley (7/7/1/1).

- 9d. Mr. T.Alexander moved to substitute and Ms. Ramsden seconded:
to adopt Section 2.2.2.2.1.2 Option 2, LAGC trawl AM for SNE/Mid-Atlantic yellowtail flounder with a 10% trigger.

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

- 9e. Dr. Pierce moved to substitute and Mr. Dempsey seconded:
to adopt Section 2.2.2.2.1.2, Option 2 for LAGC trawl yellowtail AM and amend the option so that the AM triggers for this segment of the fishery if: 1) the estimated LAGC trawl fishery catch is more than 10% of the SNE/Mid-Atlantic yellowtail sub-ACL or 2) the overall scallop fishery AM is triggered.

If #1, the AM season would be Mar-June and Dec-Feb. And if #2, the schedule would be described in table 22 (pg 45 of draft Framework 45 document), regardless of the LAGC trawl catch.

The motion to substitute **carried** on a show of hands with one recusal, Ms. Tooley (14/0/0/1).

The substitute motion **carried** on a show of hands with one recusal, Ms. Tooley (14/0/0/1).

10. Mr. T.Alexander moved and Mr. Dempsey seconded:
to submit Framework 24 to NMFS for approval.

The motion **carried** on a show of hands with one recusal, Ms. Tooley (13/0/1/1).

PRIORITIES

11. Dr. Pierce moved and Ms. Ramsden seconded:
to adopt the Executive Committee recommendations for 2013 management priorities and to include whiting/skates as a priority.

- 11a. Mr. Dempsey moved to amend and Mr. Preble seconded:
to adopt the Executive Committee recommendations for 2013 management priorities and 1) to include whiting/skates as a priority and 2) continue to pursue EBFM Phase 1 as a priority in 2013 with available support from Council staff and the Regional office.

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

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