

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
CoCoKey Hotel, Danvers, MA
September 26-29, 2011
Motions

Monday, September 26, 2011

ELECTION OF OFFICERS

Chairman – Rip Cunningham

Vice Chairman – Jim Odlin

Executive Committee – 1) Sally McGee; 2) Terry Stockwell and 3) Doug Grout

PRIORITIES DISCUSSION

1. Mr. Odlin moved and Mr. Stockwell seconded:
to put new groundfish priority #4 as #1 (framework adjustment to adjust 9 stocks with updated assessments); move groundfish priority #3 to #2 including carryover provision and OY recommendations; move groundfish priority #2 to #3 and move groundfish priority #1 to #4.

The motion was **withdrawn** without objection.

2. Mr. Odlin moved and Mr. Stockwell seconded:
under groundfish priorities, to consider: 1) 10% carryover; 2) question of why OY is not being caught and measures needed to attempt to achieve OY and 3) additional specification setting for 9 additional stocks for 2012.

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

3. Dr. Pierce moved and Mr. Preble seconded:
that continuation of Amendment 16 to develop IFQs be moved to below the line and insert above the line, strategies to manage yellowtail flounder bycatch under the scallop FMP including those strategies listed in motion 13 from the September 13, 2011 Scallop Committee mtg.

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

4. Dr. Pierce moved and Mr. Avila seconded:
to add above the line for the scallop FMP, to include a review of the sea scallop small dredge exemption program to determine if it should be continued.

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

5. Mr. Goethel moved and Mr. Grout seconded:
to prepare an amendment for limited entry to the whiting fishery.

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

6. Mr. Dempsey moved and Mr. Odlin seconded:
under the ecosystem management priority, to develop a plan to move forward on FMP consolidation and direct staff to prepare a white paper that explores issues in developing a programmatic EIS.

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

Tuesday, September 27, 2011

MONKFISH

1. Mr. Stockwell moved on behalf of the committee:
request that the Council send a letter to NMFS asking whether the impact of monkfish tail weight conversion calculation issue can be mitigated through a technical amendment.

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

Without objection, the motion was remanded back to the Monkfish Committee for further discussion.

2. Mr. Stockwell moved on behalf of the committee:
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 amend and Mr. Alexander seconded:
that the Council send a letter to NMFS requesting that NMFS send the complete landings history beginning with the initial qualification period and through 2010 for each area to every monkfish permit holder. The Council also requests that the agency provide a summary report of this information to the full Council.

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

- 2b. Mr. Odlin moved and Mr. Gibson seconded:
to postpone the main motion until the November meeting so that the monkfish committee can develop goals and objectives and problem statement to be accepted by the Council.

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

SKATES

3. Mr. Goethel moved on behalf of the committee:
to recommend Alternative 4.1.1 as the preferred alternative.

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

4. Mr. Goethel moved on behalf of the committee:
to recommend that Alternative 4.3.1 be the preferred alternative.

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

5. Mr. Goethel moved on behalf of the committee:
to recommend Alternatives 4.4.1 and 4.4.2 as preferred alternatives.

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

6. Mr. Goethel moved and Mr. Avila seconded:
to submit the specification package to NMFS for approval.

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

SCALLOP**Framework Adjustment 23: Turtle Deflector Dredge (TDD)**

7. Dr. Pierce moved on behalf of the committee:
to adopt Section 2.1.2 (require the turtle deflector dredge alternative) as preferred with the adjustments related to the dredge requirements.

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

8. Dr. Pierce moved on behalf of the committee:
to adopt Section 2.1.2.1.1, Option 1 related to TDD spatial boundary (71 W).

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

9. Dr. Pierce moved on behalf of the committee:
to adopt Section 2.1.2.2.2, Option 2, May 1-Oct 31, as preferred as the TDD seasonal alternative.

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

10. Dr. Pierce moved on behalf of the committee:
that the Council adopt Section 2.1.2.3.3, Option 3, related to which vessels would be required to use a TDD. Final option would include additional language related to exemption for bump out and this option is identified as preferred.

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

11. Dr. Pierce moved on behalf of the committee:
to adopt Section 2.1.2.4.2, Option 2, for one year implementation date for TDD.

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

Framework Adjustment 23: Northern Gulf of Maine (NGOM)

12. Dr. Pierce moved on behalf of the committee:
to adopt Section 2.3.2 (NGOM alternative) as preferred. In addition, Option 2 (Section 2.3.2.1.2) should be preferred regarding which vessels (exemption would be for all vessels with a federal NGOM permit regardless of homeport state). Lastly, Option 2 (Section 2.3.2.2.2) related to adjusting the NGOM hard TAC be preferred (31,000 pounds).

- 12a. Mr. Stockwell moved to amend and Mr. Libby seconded:
to adopt Section 2.3.2 (NGOM alternative) as preferred. In addition, Option 2 (Section 2.3.2.1.2) should be preferred regarding which vessels (exemption would be for all vessels with a federal NGOM permit regardless of homeport state). Lastly, Option 1 (Section 2.3.2.2.1) related to adjusting the NGOM hard TAC be preferred (70,000 pounds).

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

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

13. Ms. Tooley moved and Mr. Odlin seconded:
that Section 2.3.3.2 be considered and rejected.

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

Framework Adjustment 23: VMS

14. Dr. Pierce moved on behalf of the committee:
that the Council adopt Alternative 2.4.2 (VMS alternative).

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

Framework Adjustment 23: Yellowtail AM

15. Dr. Pierce moved on behalf of the committee:
that the Council adopt Section 2.2.1.2 refined yellowtail flounder AM seasonal closure schedule for SNE/MA and Georges Bank.

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

16. Dr. Pierce moved and Mr. Preble seconded:
to add a measure to Framework 23 that would give the Regional Administrator authority to adjust accountability measures for scallop ACLs or yellowtail flounder sub-ACLs based on final estimates of catch.

- 16a. The motion was perfected to read:
to add a measure to Framework 23 that would give the Regional Administrator authority to revise decisions regarding the implementation of an approved accountability measure for bycatch sub-ACLs based on final estimates of catch.

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

Framework Adjustment 23: Yellowtail Flounder Accountability Measures for LAGC Fishery

17. Dr. Pierce moved on behalf of the committee:
that the Council adopt Section 2.2.2.2 implement a separate yellowtail flounder accountability measure for limited access general category IFQ fishery.

- 17a. Mr. Odlin moved and Mr. Preble seconded:
to table the previous motion.

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

18. Dr. Pierce moved and Mr. Preble seconded:
that the Council remove the ‘yellowtail AMs for the LAGC dredge fishery issue’ from Framework Adjustment 23 and wait to develop specific yellowtail flounder AMs for the limited access general category trawl and dredge fisheries in Framework Adjustment 24.

18a. The motion was perfected to read:

that the Council remove the ‘yellowtail AMs for the LAGC dredge fishery issue’ from Framework Adjustment 23 and wait to develop specific yellowtail flounder AMs for the limited access general category trawl and dredge fisheries in Framework Adjustment 24 or other appropriate action.

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

19. Dr. Pierce moved and it was seconded:

to submit Framework Adjustment 23 to the scallop plan be submitted to the Regional Administrator for review and implementation.

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

Wednesday, September 28, 2011

GROUND FISH

1. Mr. Cunningham moved on behalf of the committee:

that the scoping document for Amendment 18 be forwarded to the Council for their review and approval.

1a. The motion was perfected to read:

that the Council approve the scoping document for Amendment 18 to be taken out for public comment.

1b. Mr. Odlin moved to amend and Ms. Tooley seconded:

that the Council delay sending out the Amendment 18 scoping document until the November Council meeting.

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

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

2. Mr. Cunningham moved on behalf of the committee:

recommend that the Council adopt the recommendations of the PDT regarding the revised rebuilding strategy options for Georges Bank yellowtail flounder in Framework Adjustment 47.

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

3. Mr. Cunningham moved on behalf of the committee:

the Council requests NEFSC perform updated assessments for GARM III stocks but not limited to updates if other assessment methods are available and can be applied for the setting of allowable biological catches (ABCs).

The motion was **withdrawn** without objection.

4. Mr. Cunningham moved and Mr. Preble seconded:

that the Council approve the following 2012 quotas for the U.S./Canada resource sharing understanding: (1) Eastern Georges Bank cod – 675 mt (U.S. share 162 mt, Canadian share 513 mt), (2) Eastern Georges Bank haddock – 16,000 mt (U.S. share 6,880 mt, Canadian share 9,120 mt), (3) Georges Bank yellowtail flounder - 900 mt (U.S. share 441 mt, Canadian share 459 mt).

- 4a. Dr. Pierce moved to amend and Mr. Dempsey seconded:
that the Council reject the 900 mt 2012 quota for Georges Bank yellowtail flounder.
- 4b. Mr. Stockwell moved to amend and Mr. Gibson seconded:
that the Council reject the 900 mt 2012 quota for Georges Bank yellowtail flounder and replace it with the SSC's recommendation of up to 1,150 mt.

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

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

- 4c. The main motion as amended was voted:
that the Council approve the following 2012 quotas for the U.S./Canada resource sharing understanding: (1) Eastern Georges Bank cod – 675 mt (U.S. share 162 mt, Canadian share 513 mt), (2) Eastern Georges Bank haddock – 16,000 mt (U.S. share 6,880 mt, Canadian share 9,120 mt) and (3) that the Council rejects the 900 mt 2012 quota for Georges Bank yellowtail flounder and replaces it with up to the SSC's recommendation of 1,150 mt.

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

5. Mr. Dempsey moved and Ms. Ramsden seconded:
that the Council initiate a groundfish framework action to address issues regarding the continued implementation and funding of cost-effective and comprehensive catch monitoring in the sector program. These measures would be part of the framework to adjust sector rules that is being considered for management priorities in 2012.

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

WHITING

6. Mr. Goethel moved on behalf of committee:
to consider 25, 30, and 35 percentile of the OFL as the basis for setting northern and southern red hake ABCs.
- 6a. Mr. Grout moved to amend and Ms. Tooley seconded:
to consider 25, 30, and 40 percentile of the OFL as the basis for setting northern and southern red hake ABCs.
- 6b. The motion to amend was perfected to read:
to consider the 40 percentile of the OFL as the basis for setting northern and southern red hake ABCs.

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

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

7. Mr. Goethel moved on behalf of committee:
to consider the 25 and 35 percentile of the OFL as the basis for setting northern and southern silver hake ABC.

- 7a. Mr. Alexander moved to amend and Mr. Grout seconded:
to consider the 25 percentile of the OFL as the basis for setting northern and southern silver hake ABC.
- The motion to amend **carried** unanimously on a show of hands (16/0/0).
- The main motion, as amended, **carried** unanimously on a show of hands (16/0/0).
8. Mr. Goethel moved on behalf of committee:
to set the red hake ACL at 95% of the ABC to account for management uncertainty.
- The motion **carried** unanimously on a show of hands (16/0/0).
9. Mr. Goethel moved on behalf of committee:
to utilize a 5% management uncertainty buffer for setting silver hake annual catch limits (ACLs).
- The motion **carried** unanimously on a show of hands (16/0/0).
10. Mr. Goethel moved on behalf of committee:
to use a three year moving average (2008-2010) of estimated discard rate to set the red and silver hake 2012-2014 total allowable landings (TALs).
- The motion **carried** unanimously on a show of hands (16/0/0).
11. Mr. Goethel moved on behalf of committee:
that Amendment 19 assume a 3% TAL set-aside to account for state water landings of all four hake stocks.
- The motion **carried** unanimously on a show of hands (16/0/0).
12. Mr. Goethel moved on behalf of committee:
to include as an alternative an annual TAL by species for each stock area.
- The motion **carried** unanimously on a show of hands (16/0/0).
13. Mr. Goethel moved on behalf of committee:
to include as an Amendment 19 alternative an allocation of northern area TALs into 3 area groups (Cultivator Shoals, other exempted areas, Gulf of Maine/Georges Bank exemption area), according to historic (2004-2010) proportions.
- The motion **carried** on a show of hands (15/0/1).
14. Mr. Goethel moved on behalf of committee:
to include a rollover provision, so that underages in Cultivator Shoals are allocated to other Gulf of Maine exempted areas during the fishing year.
- The motion **carried** unanimously on a show of hands (16/0/0).

15. Mr. Goethel moved on behalf of committee:
that the draft amendment consider two additional alternatives: no sub-allocation of the annual TAL and another implementing a quarterly TAL allocation regardless of relationship between landings and TAL.

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

16. Mr. Goethel moved on behalf of committee:
that Amendment 19 include an alternative that would set an annual TAL for southern whiting stocks. If the previous years' landings are greater than 2/3rds of the TAL, via authority given to the Regional Administrator, the plan would trigger an allocation of the TAL to fishing year quarters in the following year according to 2008-2010 proportions. The allocation procedure would include a provision to roll over underages to the next quarter and overages to be deducted from the fourth fishing year quarter. First quarter underages would roll over to the third quarter (winter), instead of the second quarter.

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

17. Mr. Goethel moved on behalf of committee:
to include two options in the alternatives to apply separately by species, or to implement a quarterly allocation at the same time for red and silver hake.

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

18. Mr. Goethel moved on behalf of committee:
to include an alternative that the TAL trigger for all areas, except Cultivator Shoals, would be 90% for silver hake or red hake, each triggering a reduction to an incidental possession limit for that species for all vessels.

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

19. Mr. Goethel moved on behalf of committee:
to include an alternative that the TAL trigger in Cultivator Shoals area would be 100% for silver hake and 90% for red hake, both triggering a reduction to an incidental possession limit for that species for vessels fishing in the exempted areas. If 100% of the TAL has been taken of either species, vessels using less than regulated large mesh would be prohibited from fishing in Cultivator Shoals.

- 19a. The motion was perfected to read:
to include an alternative that the TAL trigger in Cultivator Shoals area would be 100% for silver hake and 90% for red hake, both triggering a reduction to an incidental possession limit for that species for vessels fishing in the exempted areas. If 100% of the TAL has been taken of either species, vessels using less than regulated large mesh would be prohibited from fishing in Cultivator Shoals exempted fishing program.

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

20. Mr. Goethel moved on behalf of committee:
to include in Amendment 19 alternatives that when the Regional Administrator projects that 90% of each stock TAL is reached, the possession limit for that stock would decline to a (TBD) incidental limit.

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

21. Mr. Goethel moved on behalf of committee:
to include in Amendment 19 two alternatives for reactive accountability measures. One alternative would be a pound for pound payback provision to apply to year 2, following the year of an overage. Another alternative would reduce the incidental limit trigger to apply to year 2, following the year of an overage.

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

22. Mr. Goethel moved on behalf of committee:
that Amendment 19 include an alternative to require weekly VTR reporting to monitor areas fished for assigning dealer-reported hake catches to stock area.

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

23. Mr. Goethel moved on behalf of committee:
that only silver hake landings reported by vessels using small mesh (including shrimp trawls) should be counted against the TALs for the Cultivator Shoals and other exempted areas. Landings by all other gears, including but not limited to large mesh trawl, gillnets, and herring trawls should be counted against the Gulf of Maine/Northern Georges Bank exemption area TAL.

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

24. Mr. Goethel moved on behalf of committee:
to direct staff to work with the Regional Office staff to develop a specification process for Amendment 19.

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

25. Mr. Goethel moved on behalf of committee:
to include in Amendment 19 an alternative that would establish a red hake possession limit by cod end mesh size in the northern stock area, similar to the provision for silver hake.

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

26. Mr. Goethel moved on behalf of committee:
that for mesh less than 2.5 inch mesh, Amendment 19 would include alternatives with an incidental red hake limit of 100, 200, 500 lbs. for vessels fishing in the northern stock area.

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

27. Mr. Goethel moved on behalf of committee:
to include in Amendment 19 one alternative with a 7,500 lb. possession limit for southern red hake and another alternative with a 2,500, 5,000, and 7,500 lb. red hake possession limit by mesh size limits defined for southern silver hake.

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

Thursday, September 29, 2011

HERRING

1. Mr. Grout moved and Mr. Goethel seconded:
to remove the ACL/sub-ACL monitoring alternatives (Section 3.1.5); weekly VTR reporting (Section 3.1.2); the funding catch monitoring program from federally permitted dealers (Section 3.2.1) and the requirement for flow scales on processing vessels (Section 3.2.2.2).

- 1a. Mr. Stockwell moved to amend and Mr. Avila seconded:
to remove the ACL/sub-ACL monitoring alternatives (Section 3.1.5); weekly VTR reporting (Section 3.1.2) and the requirement for flow scales on processing vessels (Section 3.2.2.2).

The motion was **withdrawn** without objection.

- 1b. The main motion was voted:
to remove the ACL/sub-ACL monitoring alternatives (Section 3.1.5); weekly VTR reporting (Section 3.1.2); the funding catch monitoring program from federally permitted dealers (Section 3.2.1) and the requirement for flow scales on processing vessels (Section 3.2.2.2).

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

2. Mr. Grout moved and Mr. Gibson seconded:
to include sub-options 2A, 2B and 2C in Section 3.1.6.2 of the decision document.

- 2a. Ms. Kurkul moved to amend and Ms. McGee seconded:
to re-insert Section 3.6.3, measures to address portside sampling.

The motion was **withdrawn** without objection.

- 2b. The main motion was voted:
to include sub-options 2A, 2B and 2C in Section 3.1.6.2 of the decision document.

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

3. Mr. Grout moved and Mr. Goethel seconded:
to include sub-options 4B, 4C and 4D in Section 3.2.3.4 of the decision document.

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

4. Mr. Goethel moved and Mr. Grout seconded:
to reduce the time from 72 to 48 hours in Section 3.1.4.2 in the draft Amendment 5 document.

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

5. Mr. Goethel moved and Mr. Stockwell seconded:
to modify Section 3.3.3.2.1 to exempt vessels fishing under the small mesh northern fishery exemption with a finfish excluder device as described in CFR §648.80 from the closed area provisions in that section.

The motion **failed** on a show of hands (6/10/0).

6. Mr. Goethel moved and Mr. Grout seconded:
to modify Section 3.3.2.2 to exempt vessels fishing under the small mesh northern shrimp fishery exemption with the finfish excluder device as described in CFR §648.80 or vessels fishing with mesh greater than 5 ½ inches from the provisions under Options 1 and 2 in the section.

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

7. Mr. Grout moved and Mr. Preble seconded:
that the Council approve the draft Amendment 5 EIS, as amended this date, for submission for public hearings.

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